PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. HOBSON: A bill (H. R. 26043) providing for the construction, erection, maintenance, and operation of a dam across the Sipsey River, in Pickens County, Ala., for the purpose of the development of water power; to the Committee on Interstate and Foreign Commerce.

By Mr. COVINGTON: A bill (H. R. 26044) to authorize aids to navigation and other works in the Lighthouse Service, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KENT: A bill (H. R. 26045) to establish a subport of entry and delivery at Fort Bragg, in the State of California; to the Committee on Ways and Means.

By Mr. CURRY: A bill (H. R. 26046) granting to the Atchison, Topeka & Santa Fe Railway Co. a right of way through the Fort Wingate Military Reservation in New Mexico, and for other purposes; to the Committee on Military Affairs.

By Mr. CURLEY: A bill (H. R. 26047) establishing compensation of certain customs officials; to the Committee on Ways and Means.

By Mr. AKIN of New York: Resolution (H. Res. 652) requesting information from the Secretary of the Interior and Secretary of Agriculture; to the Committee on Agriculture.

Also, resolution (H. Res. 653) requesting information from the Secretary of Agriculture; 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. BARCHFELD: A bill (H. R. 26048) for the relief of the estate of Richard W. Meade, deceased; to the Committee on Claims.

By Mr. CLARK of Missouri: A bill (H. R. 26049) granting an increase of pension to Joseph A. Lupton; to the Committee on Pensions.

By Mr. CRAGO: A bill (H. R. 26050) granting a pension to Lennie Anne Shunk; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 26051) granting a pension to John Kennedy; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 26052) granting an increase of pension to Margaret L. Ramsey; to the Committee on Invalid Pensions.

By Mr. PICKETT: A bill (H. R. 26053) to correct the military record of William A. Blades; to the Committee on Military Affairs.

By Mr. RICHARDSON: A bill (H. R. 26054) for the relief of the estate of John M. Wright, deceased; to the Committee on War Claims.

By Mr. RUBEY: A bill (H. R. 26055) granting a pension to Samuel H. Barr; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26056) granting a pension to Minnie J. Cotrell; to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 26057) for the relief of Mathias Keith; to the Committee on Military Affairs.

By Mr. VOLSTEAD: A bill (H. R. 26058) granting a pension to Margaret Prescott; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. CURRY: Petition of citizens within the Fort Sumner (N. Mex.) land district, favoring the withdrawal of the clause in the sundry civil appropriation bill abolishing the office of the receiver of the land office; to the Committee on Appropriations.

By Mr. FULLER: Petition of W. Atler Burfee, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. HARTMAN: Petition of the St. Augustine Board of Trade, of St. Augustine, Fla., favoring passage of bill providing that powder-house lot be used as a park by the city of St. Augustine; to the Committee on Military Affairs.

By Mr. MOTT: Petition of the Board of Trade of St. Augustine, Fla., for turning over of Government property for city park; to the Committee on Military Affairs.

By Mr. SULZER: Petition of W. Atlee Burpee, of Philadelphia, Pa., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the committee of Wholesale Grocers, New York, favoring reduction of tariff on all raw and refined sugar; to the Committee on Ways and Means.

SENATE.

WEDNESDAY, *July 31, 1912.*

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

The Secretary proceeded to read the Journal of yesterday's proceedings.

Mr. LODGE. I ask that the further reading of the Journal be dispensed with.

Mr. CULBERSON. I object.

The PRESIDENT pro tempore. Objection is made. The reading will proceed.

The Secretary resumed the reading of the Journal.

Mr. SMOOT. I ask unanimous consent that the further reading of the Journal be dispensed with.

Mr. LODGE. Objection has been made.

The PRESIDENT pro tempore. Objection has been made to the request.

Mr. CULBERSON. I object.

The PRESIDENT pro tempore. The Journal will be read.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

RADIO COMMUNICATION (S. DOC. NO. 888).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation in the sum of $27,880 to carry out the laws enacted concerning radio communication and the international convention upon the subject ratified at the present session of Congress, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., 140), with amendments, in which it requested the concurrence of the Senate.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the President pro tempore:

S. J. Res. 122. Joint resolution providing for the payment of the expenses of the Senate in the impeachment trial of Robert W. Archbald; and

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

PETITION.

Mr. HITCHCOCK presented a petition of Local Lodge No. 349, Brotherhood of Railway Car Men of America, of South Omaha, Nebr., praying for the passage of the so-called injunction limitation bill, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. CULLOM, from the Committee on Foreign Relations, to which was referred the bill (S. 7349) for the relief of Sargeant Prentiss Knut, administrator of the estate of Haller Knut, deceased, asked to be discharged from its further consideration and that it be referred to the Committee on Claims, which was agreed to.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 19339) granting public lands to the cities of Boulder and Canon City, in the State of Colorado, for public-park purposes, reported it without amendment and submitted a report (No. 992) thereon.

He also, from the same committee, to which was referred the bill (H. R. 20498) for the relief of certain homesteaders in Nebraska, reported it with an amendment and submitted a report (No. 993) thereon.

Mr. TOWNSEND, from the Committee on Claims, to which was referred the bill (H. R. 14333) for the relief of John Johnson, reported it without amendment and submitted a report (No. 994) thereon.

He also, from the same committee, to which was referred the bill (S. 7197) for the relief of the heirs of L. A. Davis, submitted an adverse report (No. 995) thereon, which was agreed to and the bill was postponed indefinitely.

Mr. ROOT, from the Committee on Foreign Relations, to which was referred the joint resolution (S. J. Res. 123) authorizing the President of the United States to invite foreign Governments to send representatives to the Fourth International Congress on School Hygiene, reported it without amendment.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

He also, from the same committee, to which was referred the amendment submitted by himself on December 21, 1911, proposing to appropriate $53,800 to pay the allowances made to the Malambo fire claimants under article 6 of the treaty of November 18, 1903, between the United States and Panama, etc., intended to be proposed to the general deficiency appropriation bill (H. R. 25970), reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

Mr. DILLINGHAM, from the Committee on Privileges and Elections, to which was referred the amendment submitted by Mr. HEYBURN on the 30th instant, proposing to pay E. C. Talbot $750, Addison T. Smith $500, and J. K. White $150, for services rendered to the Committee on Privileges and Elections, etc., intended to be proposed to the general deficiency appropriation bill (H. R. 25970), reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

LAND AT MAGDALENA BAY, MEXICO, ETC.

Mr. LODGE. From the Committee on Foreign Relations I report a Senate resolution, together with a brief report from the committee. I ask to have the report and the resolution read. The resolution is a Senate resolution. It will go over under the rule and come up to-morrow at the end of the routine morning business, when I hope it may be disposed of.

The PRESIDENT pro tempore. The Senator from Massachusetts submits a report (No. 996) from the Committee on Foreign Relations, with an accompanying resolution (S. Res. 371), which will be read.

The Secretary read as follows:

On April 2, 1912, the Senate passed a resolution requesting the President, if not incompatible with the public interest, to transmit to the Senate any information in the possession of the Government relating to the purchase of land at Magdalena Bay by the Japanese Government or by a Japanese company. On April 30, 1912, the President replied to this resolution of the Senate by transmitting a statement in regard to the subject of inquiry from the Secretary of State.

On the 16th of May, 1912, the Senate passed a second resolution asking for copies of the correspondence relative to the American syndicate interested in lands on Magdalena Bay. On the 23d of May, 1912, the President replied to this resolution by transmitting the correspondence asked for by the Senate.

These messages and the accompanying correspondence were referred to the Committee on Foreign Relations. After careful consideration of the subject thus referred, the Committee on Foreign Relations reports that it appears from the correspondence and from all the information that the committee has been able to procure that the government of no other country has concerned itself with acquiring, or has made any attempt to acquire, possession of Magdalena Bay and the land about it. It appears, further, however, from the evidence that the corporations or persons who have, or claim to have, title to the lands surrounding Magdalena Bay have made efforts to form a syndicate and to promote the sale of these lands upon the basis of the existence of some national value to a foreign nation in Magdalena Bay as distinct from any commercial value which that bay and the adjoining territory might possess. The fact that such an idea has formed the basis of a negotiation between the possessors of the title to the lands about Magdalena Bay and the citizens, subjects, or corporations of a foreign power seems to the Committee on Foreign Relations to afford an appropriate occasion for an expression of the view of the Senate of the United States regarding this and similar cases. For this reason the committee recommends the adoption of the following resolution:

"*Resolved*, That when any harbor or other place in the American continents is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see without grave concern the possession of such harbor or other place by any corporation or association which has such a relation to another Government, not American, as to give that Government practical power of control for national purposes."

Mr. NELSON. Mr. President, I have listened to the report——

The PRESIDENT pro tempore. The Chair will first state the request of the Senator from Massachusetts.

Mr. NELSON. I want to say just a few words.

The PRESIDENT pro tempore. The Senator from Massachusetts asks that the resolution may lie over.

Mr. LODGE. It is a Senate resolution. It will go over under the rule.

The PRESIDENT pro tempore. The Chair is of opinion that, being the report of a committee, it would go to the calendar unless otherwise ordered.

Mr. LODGE. I ask that it may lie over under the rule.

The PRESIDENT pro tempore. The Senator from Massachusetts asks unanimous consent that the resolution may lie over, to be called up to-morrow. Without objection, it is so ordered.

Mr. NELSON. I have listened to the report, Mr. President, and it strikes me that in one respect it is incomplete. I understand, but not from the report, that the company or syndicate that are holding the land around Magdalena Bay are American citizens, our people, not Mexicans. I think the report ought to emphasize that fact, and further let the Senate know who those unpatriotic American citizens are, giving us their names, so that we may find out who are these Americans who are willing to engage in such a scheme as that.

Mr. LODGE. That has all been fully set forth in the correspondence and in the papers already presented to the Senate and referred.

Mr. NELSON. If the Senator will allow me, it ought to be included in the report, that the country may know it.

Mr. LODGE. Of course the resolution is general. The report was made as brief as possible, because the papers were already before the Senate. It is very easy to include that in the report.

The PRESIDENT pro tempore. The resolution will lie over.

IMPROVEMENT OF THE HUDSON RIVER (S. DOC. NO. 887).

Mr. SMOOT. From the Committee on Printing, I report back favorably, with amendments, Senate resolution 358, submitted by the Senator from Ohio [Mr. BURTON] on the 15th instant, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That there be printed 300 copies of House Document No. 719, Sixty-first Congress, second session, together with Senate resolution No. 323, Sixty-second Congress, second session, and the response of Hon. Henry L. Stimson, Secretary of War, thereto and inclosures transmitted therewith.

Mr. CHAMBERLAIN. I should like to know what the document is.

The PRESIDENT pro tempore. It will be stated by the Secretary.

The SECRETARY. Information relative to the attitude and action of the State of New York regarding conditions imposed upon the appropriation under the act of June 25, 1910, for the improvement of the Hudson River.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

The Senate, by unanimous consent, proceeded to consider the resolution.

The amendments were, in line 1, to strike out "there be printed 300 copies of," and, in line 5, to strike out the words "thereto and inclosures transmitted therewith" and insert the words "relative to the attitude and action of the State of New York regarding conditions imposed upon the appropriation for the improvement of the Hudson River be printed, with accompanying illustrations, as a Senate document."

The amendments were agreed to.

The resolution as amended was agreed to, as follows:

Resolved, That House Document No. 719, Sixty-first Congress, second session, together with Senate resolution 323, Sixty-second Congress, second session, and the response of Hon. Henry L. Stimson, Secretary of War, relative to the attitude and action of the State of New York regarding conditions imposed upon the appropriation for the improvement of the Hudson River be printed, with accompanying illustrations, as a Senate document.

CAMPAIGN CONTRIBUTIONS.

Mr. CULBERSON. Mr. President, in connection with reports of committees I desire to say that I introduced Senate bill No. 3315, and had it referred to the Committee on Privileges and Elections on the 18th of March of this year—more than four months ago. The general purpose of the bill was to enlarge the prohibition against corporations contributing to political campaign funds and to limit the amount that individuals might contribute to such funds. I ask the Senator from Vermont, the chairman of the Committee on Privileges and Elections, what the probabilities are of having that bill reported out of the committee in some form or other before the adjournment of Congress?

Mr. DILLINGHAM. Mr. President, in answer to the inquiry of the Senator from Texas I can only say that the bill to which he refers has been twice considered in the committee, and a very wide difference of opinion was developed in respect of its merits. The last time it was taken up it was laid over, and since then I have called two meetings of the committee, but have been unable to get a quorum to act.

Mr. CULBERSON. Well, Mr. President, I have no hesitation in saying to the Senator from Vermont that I regard this bill, especially in view of recent events, of such importance that I shall feel myself compelled, unless the committee acts, to have the Senate act directly upon the bill before adjournment at this session.

Mr. DILLINGHAM. Mr. President, I will say to the Senator from Texas that I shall be very glad to call a meeting of the committee on Saturday next, the regular meeting day, and lay the matter before them. I hope that I may then be more successful than I have been in the past in securing a quorum of the committee.

Mr. CULBERSON. Mr. President, I will wait until I see the result of that attempt to get a quorum of the committee.

LIMIT OF VISITORIAL POWERS.

Mr. McCUMBER. On the 29th instant the Senator from Pennsylvania [Mr. PENROSE] reported adversely from the Committee on Finance the bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States. At that time I gave notice that I would submit the views of the minority on the bill. I now ask permission to submit the views (Rept. No. 989, p. 2) and ask that they be printed.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS INTRODUCED.

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

Mr. POMERENE. I introduce a bill, which I ask may be read twice by its title and referred to the Committee on Interstate Commerce.

The bill (S. 7394) to amend paragraph No. 2 of section 207 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title.

Mr. POMERENE. I suggested that the bill be referred to the Committee on Interstate Commerce, but on second thought it occurs to me that it probably should go to the Judiciary Committee, in view of the fact that the purpose of the bill is to give to shippers the same right to appeal from and to have reviewed decisions of the Interstate Commerce Commission now enjoyed by the common carriers.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary.

By Mr. CHAMBERLAIN:

A bill (S. 7395) for the relief of Frank D. Courtade; to the Committee on Public Lands.

By Mr. HITCHCOCK:

A bill (S. 7396) to subject lands of former Fort Niobrara Military Reservation and other lands to homestead entry; to the Committee on Public Lands.

By Mr. KENYON:

A bill (S. 7397) granting an increase of pension to Louisa J. Jackson; to the Committee on Pensions.

By Mr. JOHNSON of Maine:

A bill (S. 7398) granting an increase of pension to Thomas Gannon (with accompanying papers); to the Committee on Pensions.

By Mr. GRONNA:

A bill (S. 7399) granting a pension to William F. Niederriter (with accompanying papers); to the Committee on Pensions.

By Mr. PENROSE:

A bill (S. 7400) for the relief of the American Fire Insurance Co., of Philadelphia, Pa., and another (with accompanying paper); to the Committee on Finance.

A bill (S. 7401) granting an increase of pension to Benjamin F. Kurtz (with accompanying papers); to the Committee on Pensions.

By Mr. KERN:

A bill (S. 7402) granting a pension to Caroline B. Sloan;

A bill (S. 7403) granting an increase of pension to Jacob Everson (with accompanying papers); and

A bill (S. 7404) granting an increase of pension to Adeline M. Thornton (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL (H. R. 25970).

Mr. CRAWFORD submitted an amendment proposing to appropriate $540 to pay Harry B. Straight for extra clerical services in connection with the preparation of the omnibus claims bill, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. MARTIN of Virginia submitted an amendment relative to the salaries of commissioned medical officers of the Public Health and Marine-Hospital Service, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate $120,000 for payment to the treasurer of the Mount Vernon Avenue Association, the assignee of the State of Virginia, and $72,000 to the State of Maryland, being the sums advanced by the States of Virginia and Maryland in 1790 and 1791, respectively, to the United States, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

COAL LANDS IN ALASKA.

Mr. JONES submitted four amendments intended to be proposed by him to the bill (S. 7030) to provide for a permanent supply of coal for the use of the United States Navy and other governmental purposes, to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, which were ordered to lie on the table and to be printed.

LIMIT OF VISITORIAL POWERS.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States, which was ordered to lie on the table and to be printed.

WITHDRAWAL OF PAPERS—J. A. FUNK.

On motion of Mr. GUGGENHEIM, it was

Ordered, That the papers accompanying S. 3996, Sixty-second Congress, second session, granting an increase of pension to J. A. Funk, be withdrawn from the files of the Senate, no adverse report having been made thereon.

CORBETT TUNNEL, WYOMING—VETO MESSAGE.

The PRESIDENT pro tempore. Morning business is closed.

Mr. MYERS. Mr. President, I ask that Senate bill 4862 and the President's veto thereof be now laid before the Senate for consideration.

There being no objection, the Senate resumed consideration of the bill (S. 4862) for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project, returned by the President of the United States with his objections thereto.

Mr. CUMMINS. Mr. President, I shall detain the Senate but a very few minutes in the discussion of this measure. The refusal of the President to give his approval to the bill is cruel, in its consequences, beyond expression, and I believe it to be a flagrant misuse of the veto power. The bill as passed by Congress does not concern any policy. No matter what its merits may be, its utmost effect is to put upon 118,000 or 128,000 acres of land which have not yet been sold, which have not yet been offered to the public for sale, an additional burden of about 33 cents per acre.

I do not understand that the veto power given by our Constitution to the President ought to be used in order to overthrow the will of Congress in respect to such a measure. I do not believe that the veto power in a free country is intended to authorize the Executive to veto every measure which he would have opposed had he been a member of the legislative tribunal which passed it. If that is to be the rule upon which the veto power is exercised, I venture the prediction that it will not be long continued in the hands of executives anywhere. The veto power is a most valuable power when properly exercised; it is a worthy part of our system of government; but it is only intended that the Executive shall overthrow the will of the legislative branch of the Government when we transgress our contitutional power or when some great policy which is vital to the welfare and the interests of the country is involved. It can not be true that the Executive, either of a State or of the Nation, may interpose his veto simply because he believes that the legislation is undesirable and simply because he believes that had he been a member of the legislative branch of the Government he would not have given his assent to it.

We have here the simplest and plainest exercise of legislative power and discretion. We have here a bill which not only does not relate to any great policy, which does not involve our constitutional authority to legislate, but which is insignificant from the national standpoint in its consequences and trivial in its amount viewed from the standpoint of national proportions. I think we ought to pass this bill notwithstanding the veto of the President simply, if for no other reason, because Congress has determined that it shall become a law, and because it is not one of the cases in which a President ought to interpose his veto.

Accepting the reasons which he himself gives for the refusal to accord the bill his approval, I regard them as utterly inadequate to warrant any Executive in overriding the act of the legislative department of the Government.

Mr. SUTHERLAND. Mr. President——

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

Mr. CUMMINS. I do.

Mr. SUTHERLAND. I understand the Senator to say that the veto power ought to be reserved for great questions, and not questions of the character involved in this bill. As I understand, the alternative of the veto is the approval of a bill. Does the Senator think the President ought to approve a bill which he, in fact, does not approve?

Mr. CUMMINS. I do; most emphatically.

Mr. SUTHERLAND. I do not.

Mr. ROOT. May I ask the Senator from Iowa on what he bases this, to me extraordinary, proposition? Does he base it upon anything but his own unsupported judgment as to what the veto power ought to be?

Mr. CUMMINS. Yes.

Mr. ROOT. Does he base it upon anything in the history of the exercise of that power?

Mr. CUMMINS. I do.

Mr. ROOT. I should like to know what it is.

Mr. CUMMINS. I do. I base it upon the almost universal history of the exercise of that power. Never before have I seen it exercised upon such a subject matter. I may say that I was given this power for a period of something like seven years under the constitution of my State. It is given to the executive of that State in substantially the same terms that it is given to the President of the United States. I think the Senator from New York will find there is much literature concerning the power of veto and that it is substantially in its conclusions as I have stated. I never before heard it asserted that it was the duty of the Executive to veto every bill that did not meet with his approval as an original proposition. I have always supposed that while the power is given in unlimited terms—no one questions the President's power to exercise it upon every bill or for any reason—that in a free Government like ours it was intended as a check upon the legislative branch of the Government, only to be used on occasions of some gravity where clearly the legislative will had been improvidently exercised. If, on the other hand, as I said before, it is to be used in every case in which the Executive would have voted against the measure had he been a member of the legislative department of the Government, consequences must necessarily ensue which, in my opinion, will destroy the veto power in those cases where it can be exercised for the high welfare of the people of this country.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I yield to the Senator from New York.

Mr. ROOT. Mr. President, no one can say what he may or may not find in the future, and the suggestion of the Senator from Iowa that he thinks the "Senator from New York" will find that the history of the exercise of the veto power conforms to the view of the Senator from Iowa, of course, is not impossible. I can only say that up to this time I have found nothing, either from reading or from experience or from observation of the Government of the United States, which affords any warrant whatever for the view taken by the Senator from Iowa.

The most conspicuous illustration of the veto power probably that we have had is to be found in the numerous and repeated vetoes by Mr. Cleveland of private pension bills, separate and relatively insignificant measures. I am sure that I have known within my own experience of scores of vetoes by Presidents of the United States of bills no more important than this. It is so important a part of the veto power that in a considerable number of our States the power has been extended by the constitutions thereof to permit the governors of the States to veto items in appropriation bills, so that the power of veto can not be evaded by the legislature by putting just such provisions as in substance this bill contains into an appropriation bill and thereby preventing the veto because of the necessity of having the appropriation bill become a law.

Small and apparently insignificant acts by the legislature may be the beginning of most injurious practices, and it seems to me that if the President finds that the legislature is embarking upon a course of conduct which, according to his judgment, would be injurious, he can not reconcile it to his conscience to approve a bill which may be the first step in such a course of conduct.

Mr. WILLIAMS. Mr. President——

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

Mr. CUMMINS. I yield to the Senator from Mississippi.

Mr. WILLIAMS. The Senator from New York has just suggested that the smallest item upon an appropriation bill may be the beginning of most injurious practices. I wish to ask him in that connection if he does not think, taking the history of the English-speaking people by and large, that they have been the beginning of all beneficial courses, and whether the power to coerce the Executive by placing measures upon appropriation bills has not been the most valuable instrument the people ever had in their power to exercise?

Mr. ROOT. That is an entirely different subject.

Mr. WILLIAMS. I understand it is different from the main subject, but it is relevant here.

Mr. ROOT. What I was calling attention to is the fact that the veto power is so clearly understood to apply to measures that may be insignificant in themselves that in some of our States, I think in many of our States, it has been expressly extended to items in appropriation bills.

Mr. WILLIAMS. In that I agree with the Senator, and the Confederate constitutional convention granted that power to the President upon the theory that the Senator is following out, and made a great mistake, in my opinion, because they lost thereby the coercive power of the legislative over the executive which must exist in a free government.

Mr. ROOT. May I say one word?

Mr. CUMMINS. I yield to the Senator from New York further.

Mr. ROOT. I do not think the rule which the President should apply in determining whether he shall approve or disapprove of a measure is the rule the Senator from Iowa has mentioned; that is, whether or not the President would have voted for or against the bill. But I do think that when a bill goes to him from the Congress which he does not approve, which he thinks would be injurious, which he thinks ought not to become a law, it is his duty to disapprove it.

Mr. ROOT subsequently said: I ask that an extract from a message of President Cleveland, dated June 6, 1896, in relation to the exercise of the veto power, may be put into the RECORD at the close of my remarks upon this subject delivered a few minutes ago.

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

The matter referred to is as follows:

EXECUTIVE MANSION, *June 6, 1896.*

To the House of Representatives:

I hereby return without my approval House bill No. 8293, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1896, and for prior years, and for other purposes."

To the extent that the Constitution has devolved upon the President a participation in legislation, I suppose his action on bills presented to him for approval involves a duty to be performed, like others pertaining to his office, with care and circumspection and in full view of his responsibility to the people and his obligation to subserve the public welfare. It is difficult to understand why, under the Constitution, it should be necessary to submit proposed legislation to Executive scrutiny and approval, except to invoke the exercise of Executive judgment and invite independent Executive action.

The unpleasant incidents which accompany the use of the veto power would tempt its avoidance, if such a course did not involve an abandonment of constitutional duty and an assent to legislation for which the Executive is not willing to share the responsibility.

Mr. CUMMINS. Mr. President, I did not intend to enter into the history of the exercise of this power by former Presidents in special instances; it would be as fruitless as it would be immaterial. I, however, do not agree at all with the view that seems to be taken by the Senator from New York. I do agree that the Executive himself must determine what his duty is with respect to the matter before him. There are no limitations upon his power. My assertion is that in exercising that power he should be careful to limit it in its exercise to those cases which do, in his opinion, gravely imperil the public interest and seriously injure the public welfare.

It has been disputed from the beginning of this Government that the Chief Executive should be the equivalent of the difference between one-half and one-third of the legislative branch of the Government. The President does not hear the arguments upon the measure. There is no opportunity for him to become advised with respect to all that is to be said for or against the measure, and therefore, unless he clearly perceives that Congress is passing beyond its constitutional authority or unless he clearly perceives that it is embarking upon a course that will be perilous and menacing to the public welfare, he ought to accept the will of the legislative department of the Government and not interpose his veto.

I did not intend, however, to make this suggestion a prominent part of the argument I wished to submit. It is incidental purely. I remarked upon it because I had never before observed an instance that so little warranted executive interference as the one before us; and now I ask the attention of the Senate for a very few moments to the merits of the bill itself.

I confess to a very great interest in it. It passes a little beyond that. I confess to a very great feeling with respect to the matter. One of the chief losers through the unfortunate failure of the contractor and one of the chief beneficiaries of this bill is a woman, who is fighting bravely and courageously and persistently for her home and for her children. The story of it all is one of the most pathetic I have ever heard, and when I heard it I became interested in it, and I studied the bill, because this woman spent her girlhood days in my own State, and her old father, who still lives there, is one of our most estimable citizens.

This was my introduction to the subject, and I have examined the whole transaction with as much care as I ever bestowed upon anything that was to come before the Senate. I did it because this woman, who is trying hard to educate her little girl, was about to lose her home, having mortgaged it in order to carry forward her work, and if she does not now receive the favorable consideration of the Senate she will lose her home, and all that she has courageously accumulated will have been taken away from her, and she will be left helpless in this battle against tremendous odds. I therefore did give the subject the most careful study, and I know all there is to know about it. I know about the hearings which were had, hearings of considerable length, before the two committees, one in the Senate and one in the House.

The truth is that whoever occupies these acres of land that are to be reclaimed through the project, which used the material and used the supplies and used the money that these poor people furnished to the contractors and to the laborers—whoever uses this land will be benefited by every penny that has been contributed by these people in order that the project might be completed. There is no claim whatever in all this record that the cost of the completion of this project is more than a fair cost, including the sums that have not been paid. The hearing is full of proof that the contractors were mistaken respecting the character of the work, and I do not say that the officials of the United States led them into a mistake intentionally. I do not say that. I only say the contractors undertook the work under a misapprehension in regard to the character of the material in which and through which the work was to be done, and, therefore, as they proceeded they found the cost of doing it was greater than the amount the Government had agreed to pay them for it. This was the reason they could not pay their men and could not pay for all of the material and could not pay for the supplies necessary to carry on the work, and therefore these claims which are presented in this measure.

Mr. OVERMAN. Mr. President——

Mr. CUMMINS. I yield to the Senator from North Carolina.

Mr. OVERMAN. There has not been a session of Congress since I have been here, being on the Committee on Claims, that Congress has not reimbursed every contractor who has taken a contract under the Government estimates and has found the conditions different from those stated in the estimates or specifications. Here at this session we paid one contractor some $29,000 because of loss occasioned by reason of errors in the specifications as to the character of the material to be taken out.

Mr. CUMMINS. Those facts are not disputed, and therefore I am led to inquire for a moment into the merits of the case. What are the merits of these claimants? I do not pretend that they have any legal claim against the Government. We all admit that they have none. They are here challenging the sense of justice of their Government. The first thing that I instance as indicating the merit of the case is that the Government has received the benefit of every penny represented in these claims. The land there now ready to take the water from the project could not have had the water without the payment of this money, without the advancement of these supplies and materials. Therefore it seems to me we ought to be willing under all the circumstances to reimburse these people.

The second ground of merit is this: These people did not know that the law was changed in February, 1905. For 12 years the law had been that the persons who furnished material or supplies or labor for a project like this were entitled to sue upon the bond taken by the Government from the contractor or contractors, and they in that way had the very same security that the universal policy of the States gives by way of mechanic's liens to material men and to laboring men. The policy of the law of 1894 was in exact accord with the enlightened and the civilized and the wise policy of the States that gives a lien upon the property to the people who can not protect themselves, whose labor or whose supplies or material enhance in value the property upon which they are used in improvements.

Mr. WORKS. Mr. President——

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

Mr. CUMMINS. I do.

Mr. WORKS. The Senator from Iowa says the Government has received the benefit of the money expended in this way. Does the Senator know how much of this land is actually Government land and under this project?

Mr. CUMMINS. I do not remember; nearly all of it.

Mr. WORKS. I agree thoroughly with the Senator from Iowa that the Government should be held responsible. That is not the question in my mind at all. The question is whether that burden should be carried on to the settlers, and that is a matter which I think should direct itself to the consideration of the Senate.

Mr. CUMMINS. I answer it now in this way: If the Senator from California—and there are other Senators here who take the same view—feels that it ought not to be passed on to the land—not the settlers; there are no settlers there; there may be settlers there in the future, but there are none there now on these lands of which I am speaking—but if the Senator from California and the Senator from South Dakota and others who, taking that view of it—I am not criticizing that view of it—feel that it ought not to be placed upon these lands as an additional burden, then let us pass this bill, so that these people can have their money and be saved from the ruin which stares them in the face, a ruin which is imminent and which can not long be delayed, and then pass a bill which shall provide that these sums of money shall not be put upon these lands.

Mr. SWANSON. Mr. President——

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

Mr. CUMMINS. I yield to the Senator from Virginia.

Mr. SWANSON. I should like to ask the Senator from Iowa a question, because I heard a statement he made yesterday which, if true, would certainly induce me to vote to pass this bill over the President's veto. I understood the Senator from Iowa to state that there are 118,000 acres of this land which have not yet been settled upon.

Mr. CUMMINS. I did so state at one time. I made a mistake in that respect. There are, in fact, 128,000 acres of land that have not been settled upon.

Mr. SWANSON. And the effect of this bill would be to put this burden on that land which has not yet been occupied by settlers?

Mr. CUMMINS. That is true.

Mr. SWANSON. And the present settlers would not have to pay any part of it?

Mr. CUMMINS. No; it would put a burden of 33 cents an acre, in round figures, payable in 10 years, which means 3 cents an acre per year upon land yet unsold and unentered.

Mr. SWANSON. And it is optional with future settlers whether they will take the land with that additional burden of 3 cents an acre per annum or not?

Mr. CUMMINS. Oh, yes. The land is part of the public domain. The Government can sell it at any price it sees fit.

Mr. SWANSON. There is no question that this money was spent to benefit that land?

Mr. CUMMINS. None whatever.

Mr. SWANSON. It is not any additional burden put upon the settlers who have already taken land there?

Mr. CUMMINS. Not a penny.

Mr. SWANSON. I can not see how any gentleman can object to the passage of this bill.

Mr. CUMMINS. I was remarking that one of the merits which can very well be brought forward by the beneficiaries of the bill is that they did not know the law had been changed. I think the law never ought to have been changed. In harmony with the policy which prevails everywhere, I think the laboring men and material men should have a preference, so that they could be paid. If that be not so, I venture the prediction that no contractors save those of immense credit will ever be able to carry on any work of this character. One of the things that the mechanics' lien law does is to allow contractors who have no large established credit or no great property to compete with others for the construction of work of this kind. But that is neither here nor there.

It may be a wise policy, although I dispute it; but the truth is that these people knew nothing whatever about it. They knew no more about it than did the First National Bank in South Dakota and they went forward and trusted these contractors, believing that they were trusting the Government of the United States, believing that whatever might happen to the contractors they would be abundantly protected in the bond that had been given by the contractor for the faithful performance of his contract.

We all know that there is a maxim which is expressed most frequently in Latin that is rarely heard in English. It runs something like this: "Ignorantia legis neminem excusat." But these people had never heard that maxim. They were trusting to a general policy which had been established by the Government under which a vast amount of work had been done.

Are you going to judge them by all the rigors of the old maxim that ignorance of the law excuseth no man? It is a

hard doctrine. It is remorseless. It is unjust to invoke it against these people. This Senate does too many generous, charitable, and humane things to refuse to now recognize the equities of these unfortunates who have contributed something to the value of the property of the Government of the United States.

I recognize that there is a difference between the South Dakota case, the Bellefourche case, and this one. There are no two cases exactly alike. In that case the proposal was issued before the repeal of the law of 1894, and the contract was made afterwards. In this case the proposal was made a short while after the repeal of the law, and of course the contract was made after its repeal. But essentially there is no difference between the two cases. Abandoning all legal distinctions and technicalities and niceties, in equity and in good conscience, in fairness and decency and justice, there is no difference between the two cases.

Why? Because in the South Dakota case the equity of the bank was that they did not know that the law had been changed so that it could not rely upon the bond. It did not know; I grant that. In this case these people did not know that the law had been changed so that they could not have recourse upon the bond.

If there is to be any discrimination in the application of the harsh legal maxim that ignorance of the law excuses nobody, it ought to be in favor of these people out in Montana and Wyoming, because they had less opportunity to acquire the knowledge and be guided by the information than had the bank in South Dakota.

We are not discussing this case upon rigid legal principles. We are appealing to the sense of right and justice that ought to prevail and that I think does prevail in the hearts of all Senators; and in that forum there is no difference whatever between the South Dakota case and the Montana case.

I qualify my last sentence; there is just this difference: The bank in South Dakota could have survived the loss. These people can not survive the loss. While the law, blind as it is to conditions of men in administering justice, would make no difference between the poor woman, the tradesman, and the laboring man of Montana and the bank of South Dakota, this Senate will make a difference between them, for I know that it would rather give relief to these people who sorely need it than to give relief to an institution that could bear the loss without sensible injury to itself.

I am not bringing these two cases up for the purpose of suggesting that having given relief to the bank we ought now to give it to these people. I am bringing it up to appeal to a sentiment which I know exists here that these people ought to have relief, even though it had been denied to the bank in South Dakota.

I reject any suggestion or any idea that there are any other influences which prevail in this Chamber or any other motives governing the conduct of Senators than a pure desire to render to the people of the country that justice, that protection, that safety, that help, which alone will make our Government the object of the affection of all its own citizens and at the same time make it the admiration of the whole world for the quality of the justice it administers.

Mr. NEWLANDS. Mr. President, the Shoshone project has cost about $4,200,000. The Corbett Tunnell, upon which this work was done, and to which these materials were furnished, has cost approximately $1,000,000. Certain persons furnished labor and materials to the contractors of the Corbett Tunnel to the extent of $42,000, and that labor and that material has not been paid for, although it has entered into and formed a part, and a necessary part, of the subsidiary enterprise costing a million dollars, and the entire enterprise costing $4,000,000.

The question is whether the men who furnished this labor and material should go unpaid or whether they should be paid and the payment be added to the general cost of the enterprise and distributed over 128,000 acres yet to be settled upon, at a cost of about 33 cents an acre, to be paid for in 10 annual installments at the rate of 3 cents per acre per annum.

The President, acting under the advice of the Secretary of the Interior, has vetoed this bill, which met the judgment of the majority of the Senate and the House, upon the ground that it is retroactive, and also upon the ground that it shifts the burden from the men who furnished the labor and the material to the future settlers upon these lands.

Mr. BORAH. Mr. President——

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

Mr. NEWLANDS. I do.

Mr. BORAH. I wish to ask the Senator what he understands the President to mean by retroactive. I have been unable to discover in what respect it would be retroactive, and I ask the Senator if he has an opinion with regard to that.

Mr. NEWLANDS. Mr. President, I had thought of that. I can not regard this legislation as retroactive in any objectionable sense. It certainly does not impair the obligation of any contract or destroy any property rights. But I am not inclined to indulge in criticism regarding the President's message or the President's views.

Mr. BORAH. Mr. President——

Mr. NEWLANDS. If the Senator will permit me, I do not wish to speak at length, I have only a few views to present, and I wish to present them briefly, and I would prefer not to be drawn into a discussion of side issues.

I propose to discuss this question upon the broad principles of equitable consideration. I do not question the good motives that prompted the Secretary of the Interior and the President in calling the attention of Congress to the salient features of this legislation, and to the fact, which we must all admit, that this legislation does shift the burden from the men who furnished the labor and the work to future settlers not yet in existence, who have the option of settling upon this 128,000 acres of land or not as they choose.

I agree with the Senator from Iowa [Mr. CUMMINS] that an enlightened legislation demands that the man who furnishes labor and material should have a lien upon the property or work into which his labor and material enter. That is the first obligation which civilized society should recognize as attached to property. Civilized society has recognized it in every State in the Union. These laws are now a part of the enlightened legislation of the day.

The Government of the United States, following this example in 1894, passed an act, not giving the labor and material men a lien upon the Government's property but giving them a lien upon the contractor's bond. Later on, in 1905, Congress repealed that act. I regard that as one of the most reactionary pieces of legislation that has been indulged in by Congress. It was an absolute step backward in enlightened legislation, and, so far as I am concerned, in the consideration of the equitable rights of these parties, I am disposed to brush it entirely aside and to recognize the obligation of the Government and the obligation of this property to respond to the men who honestly put labor upon it or furnished materials to it as the prior obligation of the entire enterprise. So I propose by my vote to sustain the action of Congress as against the veto of the President.

CRITICISMS OF RECLAMATION SERVICE.

Mr. President, during this debate I regret that Members from the West have taken occasion to cast slurs upon the Reclamation Service, or, if that is too harsh a term, to indulge in expressions that indicated a doubt of the capacity of that service and the excellence of its work. Some Senators made reference to extravagance and recklessness.

Now, this is a western enterprise embracing 15 States in the arid and semiarid region. At the solicitation of those States the Nation generously turned over the receipts from the sales of public lands into a fund dedicated to the reclamation of the West for all time, a revolving fund, which, through a process of compensation by future settlers, would enable ultimately the reclamation of every acre of land in the West capable of reclamation, without ultimate loss to the Govenment.

WORK HAS STOOD THE TEST OF INVESTIGATION.

That work was undertaken under large powers by the Reclamation Service, a Reclamation Service whose work has stood the test of time and whose work has the general approval of the West. It has stood the test of investigation after investigation. The Carter committee, composed of Members of the Senate, made an investigation some few years ago, and whilst a few minor criticisms were indulged, the general scope and the general efficiency of this great service was approved. I quote from the report, as follows:

> The committee found in the engineers and employees of the Reclamation Service a high-grade, courteous, and intelligent body of men, earnestly devoted to the work in hand * * * and that this work in hand is of vast and enduring national importance and must always be considered from the national rather than from the local point of view. The whole country is profoundly interested in the establishment of permanent homes by thrifty people on the public domain and the consequent development of the productive capacity of the soil. The reclamation policy inaugurated by the act of June 17, 1902, should be faithfully sustained until every acre of arable public land within the arid and semiarid regions of our country for which a water supply can be made available at reasonable cost is furnished with an adequate supply of water for irrigation.

I refer also to Senate Report No. 1281, Sixty-first Congress, third session, a volume of over 900 pages in which has been

included replies sent in response to circular letters to all persons interested, inviting them to suggest or criticize the law and the operations under it.

Later on, when it was proposed to loan the fund $20,000,000, to be repaid later on out of these proceeds, a commission of engineers was selected, five in number, who made a critical examination of every enterprise and who presented to the President of the United States an approving report. This report was transmitted to Congress by the President on January 5, 1911. This board of fair-minded, experienced Army engineers visited every project, examined all of the principal works, met with the settlers, and in their report give commendation to the work as a whole, recommending its continuation. The board states it "was impressed with the ability of the employees occupying positions of responsibility," and comments upon each and every piece of important work ending with recommendations in line with the policy then being pursued.

I ask whence is it that these slurring allusions come? From what source? They come from those settlers who without fault of the Government have been subjected to great hardships and from other settlers upon these great projects, few in number, I believe, who are desirous of escaping the obligations of the contract with the Government. It is the old case of encouraging the expenditure of money and then when the time of payment comes demurring to repayment, and a ground of demurrer must be laid in criticism of the work, charges of extravagance, and inefficiency, by which the burdens of the settlers have been increased. We find in almost every community a small number, and I will say for the credit of American citizenship a very small proportion of men, who make these complaints and impose upon public men who represent these constituencies, and who hear little or nothing from the men who are satisfied, but who hear much from the men who are dissatisfied. In this I am not including the man who after earnest effort has for a time not succeeded and who seeks for extension of the period of repayment, intending to make these payments when his means will permit. His efforts should be met with generous and appreciative assistance proportional to the good intentions and energy he has displayed.

It has been said that the cost of this enterprise has been vastly swollen since 1902, when this work was inaugurated. That is true, but the charge that it is the result of recklessness and inefficiency is not correct. We all know that the cost of labor and material has prodigiously increased during the past 10 years, so much so that some of the contractors upon these great works have been unable to make money, and some have even lost money, the accumulation of years. It can not be contended for a moment that these projects have cost, judged by the prevailing standards of the cost of labor and material, more than they should have cost. They have simply cost more than the estimates of 10 years ago, when the standard prices for labor and material were lower than they are to-day.

SALT RIVER PROJECT.

We have an illustration of this unintentional misrepresentation regarding the existing conditions in the statement that was made yesterday regarding the Salt River project in Arizona, which it is claimed involved in the first instance an estimate of only three and a half million dollars, and which has swollen to over $10,000,000. I can recall when that enterprise was inaugurated that many objected to it because there was so small an area of public land included within the enterprise, most of that land having been taken up by settlers prior to the inauguration of the enterprise by the Government. The settlers had entered there in good faith; they had constructed their irrigation ditches and their dams. They found that their dams were being swept away season after season; they were upon the verge of destruction; and they urged upon the National Government that it was its first duty to save an existing community rather than to create a new community, although in the latter it might have a larger area of unsettled public lands. The Reclamation Service, responding to the demands of humanity and wise public policy, made that the first project under the reclamation act. Certainly, the settlers in that valley have no reason to complain either of the Reclamation Service or the Government.

It is true that the enterprise at first contemplated only the construction of the Roosevelt Dam and certain works connected with it, at a cost of about three and a half or four million dollars; and I have to say that that dam has been constructed and completed pretty well within the estimates, for the Government diminished the cost by setting up a factory there and making its own cement instead of buying it at extravagant prices elsewhere. But the work did not cease there. After that work was inaugurated the headworks, upon which the irrigation system below depended, were destroyed and the settlers were unable to go on with the expenditures necessary for repairs. They were again threatened with destruction. They sent committees to Washington to the Reclamation Service and urged as their only salvation that the Government should take up the distribution system, the construction of diverting dams, and a system of distributing canals, which was not contemplated in the original plan. This involved the construction of permanent structures, not merely temporary structures such as had been put up by the rude work of the settlers. The taking over of that work and its completion by the Government cost $3,000,000 more.

Then, in connection with the headworks and distributing system, there were certain works furnishing power. Among these was the predecessor of the Pacific Gas & Electric Co., of Phoenix, Ariz. I am told that the idea has been to utilize the fall of water in the development of the water power, and thus make the water power partially compensatory of the enterprise. So the Reclamation Service found itself with this power plant on hand. The question was how to utilize this power without interfering with existing vested rights or preventing development of the irrigated area.

The desire of the settlers in the valley was that the Reclamation Service should utilize it as an asset belonging to the enterprise, which ultimately, under the reclamation act, would fall into the hands of the water users' association after they had paid back to the Government its expenditures by a process of installments running over a period of 10 years. Every step in this process has been approved by the water users' association, a corporation composed entirely of the water users themselves, the settlers themselves, and approved by their directors. Every extension was undertaken at their urgent request and demand. So about $3,000,000 more was spent in water-power development, and thus the total expenditures aggregated about $10,000,000, about one-third being spent for the original enterprise—the Roosevelt Storage Dam—and one-third being spent for the distributing system, and one-third for the power system partly used for pumping for irrigation and partly in the general market for light and power. Thus this community of settlers has acquired as its own property the most perfect system of public utilities in the country, free entirely from monopolistic control.

Mr. WORKS. Mr. President——

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

Mr. NEWLANDS. Certainly.

Mr. WORKS. Does the Senator know what amount per acre the settlers are going to be required to pay on account of the expenditures on that particular project?

Mr. NEWLANDS. I will state that it is estimated that the project will irrigate about 240,000 acres, which prior to the enterprise were worth fifteen or twenty dollars an acre, and that the cost of the entire enterprise, $10,000,000, distributed over the entire acreage, will be about $50 per acre, which will be paid back in 10 annual installments. But the present value of the land is said to range from $150 per acre upward.

Mr. WORKS. Does the Senator know how much of that property to be benefited by the project was in private ownership and not Government land at all?

Mr. NEWLANDS. Oh, a very large proportion of it.

Mr. WORKS. I want to ask the Senator further, as affecting the whole question of the Reclamation Service, whether he thinks the requirement of law that the money shall be repaid within 10 years is a reasonable one, under all the circumstances, or whether the time ought not to be extended?

Mr. NEWLANDS. Well, Mr. President, that is a matter that is pending before the Committee on Irrigation and Reclamation of Arid Lands. My inclination is to a reasonable extension where the necessity of it can be shown. There are many of these enterprises, however, on which the settlers will be entirely able to pay within the next 10 years, and it is desirable that they should do so, because if there is delay in the payments, it delays, to that extent, the inauguration of other enterprises, so that you are really, by making an extension to-day, delaying an enterprise of the future.

Mr. WORKS. I desire, of course, as a western man, to see the Reclamation Service self-sustaining, and I think Congress should make every endeavor to bring about that result; but I have always believed, and I now believe, that the length of time allowed for repayment, in view of the large sums of money which it is necessary to expend in the construction of irrigation projects, was altogether too short. It has resulted in a great deal of discontent, as the Senator knows; and that discontent is not wholly unfounded by any means, because there have been great hardships resulting from the burdens that have been placed on the settlers under the irrigation reservoirs.

SETTLERS HAVE ENDURED HARDSHIPS.

Mr. NEWLANDS. Mr. President, I would not minimize, of course, the hardships of the settlers; many of them have had to endure great hardships, and it is our duty not to add to them or perpetuate them. The hardships have not been due to the action of the Reclamation Service. They have been due to the fact that Congress, when the reclamation bill was up, passed, against my individual protest and the protest of the present officials of the Reclamation Service, an amendment opening up to immediate entry the lands which were subject to the enterprise. The result was that such entries being under the homestead act which required actual residence, the entrymen had to live on arid lands, which were utterly incapable of producing anything for months and years until the enterprise was entirely finished. That this compulsory residence was, in many instances, a great hardship can not be denied. At last the Reclamation Service induced Congress to permit the withdrawal of the lands from entry in the later projects until the completion of the project and the supply of water was assured, but most of the harm was already done.

Mr. WORKS. I did not mean to intimate by what I said that this result had come about by the extravagance or mismanagement of the Reclamation Service.

Mr. NEWLANDS. Oh, no.

Mr. WORKS. I myself have passed no criticism upon the Reclamation Service, and I hope the Senator did not refer to me as one of the western Senators who had taken any such ground as that. My question was founded upon the necessary expense of constructing the reservoirs and distributing systems, not upon the fact that there had been any extravagance connected with the work.

Mr. NEWLANDS. I understood the Senator perfectly, and I wish to say that it is not my purpose to indulge in criticism of the utterances of any Senator upon this floor. I have no doubt that the Senators have acted upon information which has come to them and which they thought it proper to present to the consideration of the Senate; but as an opportunity to explain these matters has presented itself, I thought it incumbent upon me to explain them.

Mr. SMITH of Arizona. Mr. President——

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

Mr. NEWLANDS. Certainly.

Mr. SMITH of Arizona. Mr. President, I think it unfortunate that the question of the Roosevelt Dam should now be brought up before the Senate in connection with the discussion of the veto message of the President on a very different question. I can not sit quietly and permit the inference to go out that the complaints which have been made are merely carping complaints of men who have no right to be heard and no right to any sort of remedy. If it is the desire of the Senator to protect and defend the Reclamation Service at all hazards at all times, I suggest that he defer the Arizona reclamation question until it shall finally come up for appropriate discussion. I shall then, I hope, find myself heartily agreeing in many respects with the Senator from Nevada, but as to the construction of many of the irrigation projects, and as to the management of many of them, I do not wish by sitting silent to be considered as estopped from making proper criticism at the appropriate time, if criticism be justified. But I protest that this is not the time nor the occasion to debate the question, for the reason that the matter is not before the Senate in any form.

Mr. NEWLANDS. Mr. President, as I have stated, it is not my purpose to enter into a criticism of any Senator's utterance upon this subject, but the fact is that an erroneous impression has been given, according to my judgment, and it is my purpose to correct it.

I agree with the Senator from Arizona that it is unfortunate that the question of the Roosevelt Dam, and of the various minor details of sale of power and other involved technical matters, have been brought before the Senate in the discussion of the veto message of the President on a very different question, but this has been done. We of the West, who are familiar with these matters, do not always appreciate what is the effect on others of bringing these details into various discussions.

The reclamation act, as it is now on the statute books, was the result of a long struggle in which the West was successful only after it had settled its own differences and agreed upon a policy. We have by no means settled all the problems of the West by the passage of the act. It is now being put into effect. We need still further legislation and further united activity in order to bring about the ultimate development of the resources of the country. If, among ourselves, we can not agree upon the course to be pursued, how can others join with us in this great and patriotic work?

WEST MUST UNITE IN SUPPORT OF SERVICE.

What I am trying to develop is that in unity is strength on these questions, and that by bringing to public attention continually in a critical spirit these matters which are relatively of minor importance we are retarding the settlement of the great problems before us. The desirable settler whom we all wish to come to the West learns in a vague sort of way that there is dissatisfaction. He does not know how and can not study into the matter, but he sees a general reference or minor complaint and at once concludes that something must be wrong, so he drops the idea of going to the West to seek a home. The capitalist, especially the man of small means, who desires to put his hard-earned savings into profitable investment, is deterred because he hears these rumors and concludes that if the Government can not carry out its work effectively, therefore no one can do so. The settler who is already on the ground and who should be making every effort to respond to his installment payments and to build up the credit of himself and the country is prevented from so doing by the intangible rumors which he can not exactly locate, but which cause a vague feeling of unrest. I am referring to these matters, as before stated, not because I wish to do so, but because it is incumbent upon some one to call to the attention of all interested the fact that we should either investigate carefully and set at rest these matters or else abstain from comments which cast doubt upon the reclamation act and its operations.

The subject of the Arizona project has been brought up by others. Taking this as an example the criticism has been made that in developing the water-power plant in connection with that project an exclusive contract was given in the sale of a small part of it to the Pacific Gas & Electric Co., of Phoenix, for that power at 1½ cents per kilowatt hour, while it charged the public 12 cents per kilowatt hour, and it is stated that protests were made against that contract.

My information is that prior to the Government undertaking the construction of this water-power plant, the owners of the existing canal were under contract with the predecessors in interest of Pacific Gas & Electric Co. to furnish its power at one-half cent per kilowatt hour, one-third of the price subsequently exacted by the Reclamation Service, and that the Reclamation Service in substituting the new contract for the old one, the obligation of which still remained, limited its operation to 10 years, so that at the end of that time any inequalities could be corrected. I may say in passing that it is not the duty of the National Government to prescribe to a contracting corporation which is getting power from its works the price it shall charge to consumers. That is the duty of the local regulating power, and fortunately there exists in Arizona a body created by the law of that State with power over public utilities, and if that public utility is charging the public too much the matter can be corrected by the action of the State authorities.

It appears from the evidence submitted that this revised contract, which has been in existence five years, and which will soon run out, has existed for many years without comment, excepting as being a fortunate solution of an exceedingly difficult complication. It is undoubtedly a matter upon which men's opinions may vary according to the degree of knowledge of the preexisting conditions, especially those which the contract rectifies. Compared with the great power development and especially of the project as a whole the transaction is relatively insignificant.

Mr. President, it must be recollected that in making this contract the Reclamation Service was substituting a new contract for an old one. It substituted, if my recollection is right, a 10-year contract for a 25-year contract; it substituted a higher price for a lower price, and beyond that the contract which was entered into has been approved by the water users' association, composed of all the settlers themselves, after full publicity and investigation. I have before me the statement of the counsel of the water users' association, presenting in parallel columns the provisions of the old contract and the provisions of the new, and giving it as his opinion that the new contract of June 22, 1907, was more favorable to the people of that locality than the old contract was. This is as follows:

CONCLUSIONS OF THE ATTORNEY FOR THE WATER USERS' ASSOCIATION.

For the purpose of the comparison by you of the terms of these two contracts, that between the Arizona Water Co. and the Phoenix Light & Fuel Co., and that between the Government and the Pacific Gas & Electric Co., so far as that may be readily done, I collate the following provisions:

I speak of the contract of March 1, 1901, as the "old contract," and the one of June 22, 1907, between the Government and the Pacific Gas & Electric Co., as the "new contract."

By the old contract the term of the right was 25 years from its date, a little more than 6 years of which had expired at the date of the new contract.

By the old contract the right was to the exclusive use of all the water power obtainable from water diverted by the Arizona Water Co.

Under the old contract the Electric Co. had a right to the flow of all the water diverted by the Arizona Canal for the development of power.

Under the old contract the exclusive right extended to any person in or out of Phoenix and to any use whatever.

By the new contract the term of the right is 10 years, to date from the time the Government can begin to supply power under its provisions.

By the new contract the right is limited to a maximum delivery of 1,500 kilowatts of energy, being a little more than a third of that contemplated by the old contract to be immediately utilized, and a probability of much more as need for it arose.

Under the new contract the Electric Co. has no right to the flow of any of the water nor any right to interfere with it or its manner of diversion or course of distribution whatever.

In the new contract the right excludes only the general retailing of power to customers in Phoenix or furnishing it to anyone in Phoenix to be again sold or retained. There is no limitation beyond that upon the sale of power contained in the new contract.

It should be noted that the subject of the old contract was the right to the use of water to develop power for the purpose of estimating the price to be paid for it. It was to be reckoned in kilowatts of electrical energy. The subject matter of the new contract is electric power or energy, which is measured in kilowatts.

By the old contract the price to be paid when the development exceeded the amount of $7,500 paid for royalty was $4.50 per 1,000 kilowatt-hours.

By the new contract the price is to be $15 per 1,000 kilowatt-hours.

I have, as you will note, treated the subject solely from the standpoint of the association in its relation to the project in general.

Mr. SMITH of Arizona. Mr. President——

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

Mr. NEWLANDS. Certainly.

Mr. SMITH of Arizona. By anticipating questions that will ultimately be debated the Senator is entering into a discussion which is somewhat embarrassing to me. He is now referring to a contract with which I am perfectly familiar and which will ultimately come up legitimately some day for discussion. I can not sit silent and admit by my presence that there is no just ground of complaint in connection with the matters to which he is referring, and, inasmuch as another and entirely different question is before the Senate, I think the Senator ought not, at least at this time, in the case of a project in my own State, in which my own people are interested, foreclose me from the opportunity of answering him, which I can not now do by reason of the proprieties of the occasion as I see them.

Mr. NEWLANDS. Mr. President, I am certainly not seeking to foreclose the Senator.

Mr. SMITH of Arizona. I am not criticizing the Senator in the least, but I am simply expressing the hope that my silence and that of my colleague in matters affecting the State of Arizona with which we are perfectly familiar may not be misconstrued. If the matter were properly under consideration at this time I would be glad to reply fully to the Senator from Nevada, but I am inclined to defer doing so until we can have an opportunity of bringing it up in a proper way and without the interference of other legislation. I think it will only cause friction to anticipate the matter. I am only making the suggestion to the Senator and not in any sense criticizing him. I see no reason at this time to either praise or censure the Reclamation Service. It is entitled to much praise at all appropriate times here and elsewhere; but to claim it above any criticism at all times and everywhere is more praise than can justly be bestowed on any work of human hands. Let us hope that the reclamation projects may proceed to accomplish their promised benefits and may be so justly and equitably settled as to exclude the necessity of legislation.

REPORTS OF DISSATISFACTION ARE ILL ADVISED.

Mr. NEWLANDS. Mr. President, I have no disposition to foreclose the Senator in any way or to put him under any embarrassment. I simply say to him—he probably was not here during the debate yesterday—that I am only referring to matters that were presented then, and by way of explanation, not by way of criticizing anybody. No one recognizes more than I do the sincerity and desire for accuracy of the junior Senator from Arizona [Mr. ASHURST], who made some remarks yesterday and presented matters to which I am now making a reply, not for the purpose of going into a discussion of these items, but to emphasize the point that this is not the time or place to try to debate details of this character. I simply wish, in the best of temper, to present to him the view which I think is the correct one with reference to this great enterprise, and I also wish to present, to western men particularly, the importance, if possible, of our adjusting these matters between ourselves in our committee meetings. We are overwhelmingly represented upon the Irrigation Committees of both Houses, and we can undoubtedly adjust all these questions there. We can bring the officials before us at any moment and enter into an inquiry with reference to any one of the irrigation projects, as we have already done. It seems to me quite inadvisable for us to give the southern, the middle western, and the eastern Representatives in the House of Representatives and in the Senate a mistaken impression regarding this entire enterprise, for I find by actual observation that chance remarks made both in the House and in the Senate, the result of communications, oftentimes half truths, oftentimes the result of inaccurate information received from constituents and in letters from constituents, are making an impression upon Senators and Representatives who do not represent our region, and an unfavorable impression regarding the efficiency and the success of this great enterprise.

It is the first great collective effort that the Nation has undertaken, and I should regret to see collectivism in so worthy a work stricken down by its own friends.

Mr. BRANDEGEE. Mr. President——

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

Mr. NEWLANDS. Certainly.

Mr. BRANDEGEE. I do not desire to interrupt the Senator, except to say this; The unfinished business is a very important matter, and has been standing in the way of important general appropriation bills for two days now while this private claim, whatever its merits may be, having no general interest to the country whatever, but very important to the claimants, has occupied the floor here for two days, to the exclusion of all other business.

Now, at 2 o'clock the unfinished business will come up again. I want to be perfectly reasonable about the matter, but I think that this time, which is of great value to the proponents of this measure, ought to be consumed in discussion upon the measure itself really. I do not want to lay aside the unfinished business for this bill again to-day, and yet I feel that the claimants are entitled to a vote, if one can be had.

I wish to inquire of the Senator from Nevada whether we could not get a unanimous-consent agreement for a time to vote on this bill, some hour within a reasonable time, say, within an hour, or something like that? I desire to ask the Senator how long, probably, it will be before he will conclude the present theme on which he is now addressing the Senate?

Mr. NEWLANDS. Mr. President, I am quite in sympathy with the Senator from Connecticut in his purpose, and I should not have addressed the Senate at such length had it not been for the incidental reference to these outside matters.

I wish this bill for relief to those who furnished labor and material to the Shoshone enterprise to go through, but I do not wish it to go through upon an indictment against the efficiency and the integrity and capacity of a great service that has served the Government well. I wish it to go through upon its own merits and the equitable considerations that should control the right of these people to compensation. If I can get the consent of the Senate, which I have no doubt will be accorded, to put into the RECORD certain data which I have here, I will conclude my remarks.

Reference has been made to the cost of work executed under the reclamation act and the assertion made that this is more expensive than private enterprise. This depends upon how the comparison is made. If it is made on equal basis, as it should be, the results will probably show, unless I am greatly mistaken, that the Government work is being executed as economically as and more effectively than private work. It must be remembered that when the reclamation act was passed practically all of the easier available projects were taken up. The cheap ones had been built, development was stagnant because individuals did not dare to invest in other more expensive and difficult works.

The passage of the reclamation act, the building of works by the Government, stimulated corporate investment, and if we compare on the same basis the cost of these works, we will find that those private works which have been built since 1902 have cost for the same class of work as much, if not more, than those built by the engineers of the Reclamation Service.

I have before me a statement from a recent hearing, which gives the price per acre of some private works.

The PRESIDENT pro tempore. The Senator from Nevada asks unanimous consent to insert certain matter in the RECORD, and without objection leave will be granted.

Mr. NEWLANDS. The matter referred to is a statement contained in a recent House hearing, which shows:

COMPARATIVE COST OF PROJECTS.

Taking for comparison one of the recent works of private enterprise, namely, that of the Orchard mesa project near Grand Junction, Colo., it is stated that this work is costing the landowners about $125 per acre with interest on deferred payments. This has between 4 or 5 miles of wooden bench flume which will decay in possibly from 7 to 10 years and must be replaced, so that the actual cost of maintenance must be large. In comparison with this are the works built by the Reclamation Service—for example, that of the Uncompahgre project, which has a 6-mile tunnel and permanent concrete structure, the cost per acre for which will probably not exceed one-half the cost of the Orchard Mesa project and will be far more permanent.

The Denver Reservoir & Irrigation Co. is constructing a system of irrigation from which they expect to deliver five-eighths of an acre-foot of water per year for each acre, with a charge of $45 with interest. All of the Government projects furnish from two to three or more acre-feet per year, according to soil and locality, so that even at the same price the Government project is many times cheaper. In Paradox Valley, near the Uncompahgre project, the water will be furnished for $45 per acre with interest. The Routt County Development Co. is preparing to water 39,000 acres in Routt County at $45 per acre with interest. The Colorado Land & Water Co. is reclaiming land in La Platt County, Colo., at $45 per acre. The Two-Butte Irrigation & Reservoir Co. have constructed a reservoir in Prowers County for furnishing additional stored water, mostly to land which already has partial water right, at $35 per acre. The Toltec Canal Co. is reclaiming land in Conejos County for which they propose to charge $45 per acre. The Valley Investment Co. is reclaiming 24,000 acres in Bent County, for which the water right will cost $60 per acre. The Great Northern Irrigation & Power Co. in Routt County is charging $45 per acre for land which they reclaim.

Relative to reclamation in the North Platte Valley in Wyoming and Nebraska, for the North Platte project the charge per acre is $45, including a reservoir supply, and this also includes the first two years of operation and maintenance. In the same valley the Farmers Irrigation Co. have built the Tri-State Canal, for which they are charging $40 per acre for water, with interest, and have no reservoir water and a very insecure supply in the river.

In comparing the relative value of the two water rights last mentioned, it may be stated that below the end of the North Platte project there are 20,000 acres of land that can be watered by the Tri-State Canal, built by private enterprise, or the North Platte project, built by the Government, equally as well, but the farmers demand and are using every effort possible to keep the Tri-State from irrigating this land and trying to get the Government to irrigate it from the North Platte project, for the reason that they know that the Government is prepared to furnish them ample water and that the construction will be so much better than that done by private enterprise. The Government builds all the lateral system to each farm for the price mentioned while the private-enterprise projects do not build any lateral system.

In South Dakota the Bellefourche project is costing the land owners $30 per acre for a minimum supply of 2 acre-feet. On the other hand, the Red Water Canal Co. is charging $50 an inch, or $2,500 per second-foot for the water they supply.

The Government project is supported by a reservoir having a capacity of 200,000 acre-feet, while the Red Water Canal has no reservoir water to supply the land during low periods. The farmers under the Red Water Canal made application two years ago for the Government to take the canal over, and they would be glad to pay the price if the same was incorporated in the Bellefourche project. The Government was unable to do so on account of shortage of funds.

Other projects which may be mentioned are the Pueblo-Rocky Ford Irrigation Co., near Pueblo, which proposes to reclaim a large area of land out of the Arkansas River, which is already twice overappropriated, at a cost of $150 per acre, which includes the cost of the land. However, this land without water would not be worth over $10 or $15 per acre, thus making the water right cost them about $135 per acre. In northern Colorado the Greeley Poudre Irrigation Co. is constructing a system to reclaim a large area of land at an estimated cost of $45 per acre. In Idaho the Big Lost River project will cost $40.50 per acre and the Dietrick project $50.50 per acre. All of the private enterprises must necessarily charge interest on all deferred payments, in addition to the original cost which I have herein given.

With the present organization under the Reclamation Service it is believed that work is being done much cheaper than by private enterprise, if we consider the quality of the work in each case, its durability, and ultimate cost to the landowner.

In attempting to compare the cost of some of the older private canals it must be borne in mind that when these canals were first constructed there was but a small amount of land under irrigation. The water rights were sold for about what they cost the company, or if in a cooperative system for about what the works cost to construct. As the land was brought under cultivation, however, and became more valuable, the water rights increased in value until at the present time these water rights cost considerably more per acre than similar and possibly better rights under the Government projects.

The following table gives approximately the total acreage cost of water right per acre for a number of the larger recent private projects, these being given for comparison with the estimated cost of the Government enterprises:

Cost of private irrigation projects.

Project.	Total acreage.	Water right per acre.
Colorado:[1]		
Denver Reservoir & Irrigation Co.		$45.00
Great Northern Irrigation & Power Co.		45.00
Greeley Poudre Irrigation Co.		45.00
Orchard Mesa Irrigation Works		125.00
Paradox Valley		45.00
Pueblo-Rocky Ford Irrigation Co.		135.00
Routt County Development Co.	39,000	45.00
Toltec Canal Co.		45.00
Two-Butte Irrigation & Reservoir Co.		35.00
Valley Investment Co. (Bent County)	24,000	60.00

[1] Cost of lateral systems not included. Interest charged on all deferred payments.

Cost of private irrigation projects—Continued.

Project.	Total acreage.	Water right per acre.
Idaho:[1]		
Big Lost River Land & Irrigation Co.	79,122	$40.00
Bruneau Irrigation Co.	49,700	60.00
Canyon Canal Co.	5,829	40.00
Hansen, C. V., project	3,827	40.00
Idaho Irrigation Co.	160,094	50.00
Idagon Irrigation Co.	10,112	60.00
King Hill Irrigation & Power Co.	17,666	65.00
King Hill Extension	9,738	65.00
Owyhee Land & Irrigation Co.	30,400	65.00
Potrneuf Marsh Valley Irrigation Co.	12,222	35.00
Twin Falls North Side Land & Water Co.	188,850	35.00
Twin Falls Salmon River Land & Water Co.	127,707	40.00
Twin Falls North Side Land & Water Co.	44,555	45.00
Twin Falls Oakley Land & Water Co.	43,773	65.00
Twin Falls Raft River Irrigation Co.	99,668	50.00
West End Twin Falls Irrigation Co.	45,775	40.00
Montana:[2]		
Billings Land & Irrigation Co.		50.50
Conrad Land & Water Co.		40.50
Franklin	5,142	40.50
Glass-Lindsay Land Co.	35,000	50.50
Great Falls Land & Irrigation Co.	36,000	50.50
Musselshell		40.50
Red Rock Reservoir & Irrigation Co.		40.50
Teton Cooperative Reservoir Co.		40.50
Nebraska:[3]		
Farmers' Irrigation Co. (Tristate Canal)		40.00
Oregon:		
Central Oregon Irrigation Co.		60.00
Deschutes Land Co.		36.00
Deschutes Irrigation & Power Co.		60.00
Eagle & Pine Valley		80.00
Harper Basin Irrigation Co.		55.00
Jordan Valley Irrigation Co.		60.00
Portland Irrigation Co.		35.00
Powder Valley Irrigation Co.		150.00
Warner Lake Irrigation Co.		120.00
Washington:[4]		
Cascade Canal Co.	10,000	50.00
Congdon or Yakima Valley Canal Co.	4,200	121.40
Kennewick Canal	14,000	162.80
Lower Yakima Irrigation Co.	12,500	129.40
Selah Moxee	7,000	86.40
Selah Valley Development Co.	10,000	150.00
Union Gap Irrigation Co.	5,000	135.00
Washington Irrigation Co.	50,000	46.00

[1] Structures, exclusive of headworks, constructed of wood, indicating high future cost of maintenance. Six per cent interest charged on all deferred payments, adding 20 to 25 per cent to the total cost.

[2] Six per cent interest charged on all deferred payments. Cost of lateral systems not included.

[3] No reservoir or lateral system.

[4] Figures include additional cost for permanent works; also main laterals. Interest charged on all deferred payments.

Mr. MYERS. May I interrupt the Senator from Nevada?

Mr. NEWLANDS. Certainly.

Mr. MYERS. In pursuance of the suggestion of the Senator from Connecticut [Mr. BRANDEGEE], who has kindly expressed his willingness to again temporarily lay aside the unfinished business, which will come up at 2 o'clock, and without any wish whatever to restrict the argument of the Senator from Nevada, or any other Senator, but wishing that there may be full debate to completion on this bill and being glad to hear from the Senator from Nevada and from all concerned, I will suggest, if it meets with the approval of those who are interested in the bill and others that, by unanimous consent, we take a vote on this measure this day not later than 3.30 o'clock.

Mr. BRANDEGEE. Make it 2.30 o'clock.

Mr. MYERS. We may get to it by 2.30 o'clock, and I hope we will do so. But I suggest not later than 3.30 o'clock.

Mr. BRANDEGEE. Not later than 3 o'clock and as much earlier as possible.

Mr. MYERS. There are several other Senators who have taken an interest in this matter and who wish to say a few words, and I wish them to speak and I should like to have the Senator from Nevada conclude.

Mr. BRANDEGEE. Three o'clock would give an hour and a quarter more, and even if there are six Senators who want to speak it would give each Senator 15 minutes, and it seems to me enough could be said in 15 minutes in addition to what has been said.

Mr. MYERS. There may be some Senators who wish to speak against the bill. I do not desire to restrict anybody who wants to speak.

Mr. ROOT. I wish to say I should not feel like agreeing to a unanimous consent which would probably much prolong the discussion on this bill. I think the Senate has devoted all the time it ought to to this subject, and it seems to me that 3 o'clock is as far as we ought to go. There has been very full discussion.

Mr. BRANDEGEE. If the Senator from Montana would modify his request that a vote be taken on this matter not later than 3 o'clock, I certainly would be willing to give my consent to such an agreement, provided that it will not interfere with the position of the unfinished business.

Mr. MYERS. I thank the Senator from Connecticut for his willingness to yield temporarily on the unfinished business, and if there be no objection to 3 o'clock on the part of other Senators it will be agreeable to me. I pause to hear if there is any objection from others. [A pause.]

Mr. BRANDEGEE. I raise the parliamentary inquiry whether such consent would displace the unfinished business.

The PRESIDENT pro tempore. The Chair is of the opinion that it will not interfere with the unfinished business.

The Chair will state the request made by the Senator from Connecticut, which is that the vote be taken on the bill now under consideration at not later than 3 o'clock this afternoon. Is there objection? The Chair hears none, and it is so ordered.

The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. BORAH. I do not desire to delay the matter, but the Senator from Montana was not listening at the time the Chair stated the question. I wish the Chair would again state the question.

Mr. MYERS. Mr. President, I suggest the absence of a quorum. I understand there are other Senators who desire to be heard on the matter, and I should be glad to hear them.

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

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

Ashurst	Crane	Jones	Simmons
Bacon	Culberson	Kenyon	Smith, Ariz.
Borah	Cullom	La Follette	Smith, Ga.
Bourne	Cummins	Myers	Smith, Mich.
Bradley	Dillingham	Newlands	Smith, S. C.
Brandegee	du Pont	Overman	Smoot
Bristow	Fall	Page	Sutherland
Bryan	Fletcher	Perkins	Thornton
Burnham	Gallinger	Pomerene	Townsend
Burton	Gronna	Rayner	Watson
Catron	Guggenheim	Reed	Wetmore
Chamberlain	Johnson, Me.	Sanders	Works
Clapp	Johnston, Ala.	Shively	

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER], and I desire that this announcement shall stand for the day.

The PRESIDENT pro tempore. Fifty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. JONES. Mr. President, I regret that we can not have the attention of more Senators to this matter, because I realize that as Senators generally desire to sustain a committee report, so, on the same basis, they probably expect to vote to sustain the veto of the President. But it seems to me that the facts in this case would warrant every Senator in voting to pass this bill notwithstanding the veto of the President.

These people come here because they have no legal rights anywhere else. They come upon the equities of their claim to Congress, the only body that can give them relief. It has been suggested by some that this bill should have gone to the Committee on Claims; that it is in the nature of a claim; and that it should have been acted upon by that committee. I happen to be a member of the committee to which this bill was referred, as well as the Claims Committee, and I know that very extended hearings were had there. It was suggested in the committee that the bill ought to be reported back to the Senate and referred to the Committee on Claims, but it was finally decided by the committee that the members of the Irrigation Committee, who were especially familiar with the irrigation conditions and the character of these contracts and the difficulties under which the contractors labor in connection with these irrigation works, were really better able to pass upon a bill of this kind than the Committee on Claims, most of the members of which are unfamiliar with these conditions. Therefore the Committee on Irrigation deliberately refused to report the bill back to the Senate with the request that it be referred to the Committee on Claims, but held jurisdiction of it, investigated it, had hearings, inquired into all the facts and all the circumstances in connection with this claim with very great care, and my recollection of it is that the report of the committee to the Senate was unanimous.

By reason of these hearings I became fairly familiar with the case, and its equities appealed very strongly to me. It seemed to me that Congress and the Government could not do any other than allow this bill. It was reported unanimously to the Senate, as I said, and passed, as we pass many other bills—without objection and without special consideration.

Mr. WORKS. Mr. President——

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

Mr. JONES. Certainly.

Mr. WORKS. The Senator from Washington makes the statement that the report on this bill was unanimous. The Senator does not mean to say that the whole committee was present in the consideration of the bill and joined in the report, does he?

Mr. JONES. I do not remember now whether all the members of the committee were present or not. When I say a unanimous report, I mean just as we use that term here in stating that a report of a committee is unanimous; that is, that there was a quorum present in the committee, and that there was no objection on the part of any member who was present to its report. When the Senator puts it in that way I will not say that all the members of the committee were present. I do not remember; I do not know.

Mr. WORKS. I asked the question because I am a member of that committee, and I usually try to attend the sessions of all committees of which I am a member, where the sessions do not conflict, and I certainly never joined in any report in respect to this particular bill and never was present at any hearing which we hear talked about so much on the floor of the Senate.

Mr. MYERS. Mr. President——

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

Mr. JONES. Certainly.

Mr. MYERS. The Senator from California was not present, but a quorum of the committee joined in unanimously reporting the bill favorably.

Mr. JONES. I can testify to the faithful attendance of the Senator from California on the committees of which he is a member, because I am a member of two or three of his committees. I did not intend to mean by my expression that every member of the committee was present, because, as I said, I do not know, and, of course, the Senator from California knows whether he was present or not. But what I meant by it was that there was a quorum present, and there was no objection made; and I always understand when a Senator states here that a bill is reported unanimously that it is a report by a quorum of the committee, without any objection. That is all I intended to say.

Mr. WORKS. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Washington yield further to the Senator from California?

Mr. JONES. Certainly.

Mr. WORKS. I did not criticize the statement of the Senator from Washington, but, as I have been saying some things here in opposition to this bill, I do not want it to appear that I was acting inconsistently with respect to it—casting my vote one way in the committee and talking another way on the floor of the Senate.

Mr. JONES. I am glad the Senator made that statement, because I did not want to put him in an inconsistent position.

I desire to call the attention of the Senate to a statement in the message of the President. I believe that the President wrote his message on the information sent to him and given to him by the department. He could not give attention to all the details in connection with this matter and had to take the recommendation and advice of the Secretary of the Interior. But I think the President—and I say this in no criticizing way at all—misapprehended the letter of the Secretary, because the President says:

> To require that this additional amount should now be included in the assessment upon the lands is by law to increase a contract burden by a change of the character of the liability after it has been assumed and fixed.

The liability of settlers upon 128,000 acres of this land has not been assumed and has not been fixed, and no contract has been entered into between them and the Government that could be affected in any way, shape, or form by the passage of this legislation. The Secretary, in effect, says this in his letter printed with the message.

Furthermore, the Secretary of the Interior, in his letter to the President, does not base his recommendation to the President that this law be not signed upon any such contractual relation. The Secretary gives as his reason for recommending the disappproval of the bill the following:

> The chief engineer of the Reclamation Service advises me that the water-right charge already imposed and to be imposed upon the lands in the project is, in view of the nature and value of the lands, now at the maximum of safety, and that the addition which the pending bill would render necessary would be a heavy burden upon all future settlers and water-right contractors and would seriously jeopardize the success of the project.

Now, notice:

Under these circumstances, I am reluctantly compelled to advise that the bill should not receive your approval.

Listen!

If the lands of the project were able to bear the additional charge I would gladly advise otherwise.

The PRESIDING OFFICER. If the Senator from Washington will suspend for a moment, the Chair will lay before the Senate the unfinished business, the hour of 2 o'clock having arrived.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. In accordance with the understanding arrived at a few minutes ago, I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDING OFFICER. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Washington will proceed.

Mr. JONES. So the Secretary of the Interior expressly bases his recommendation to the President that this bill be not signed upon the possibility of an increase in the burden, jeopardizing the success of the reclamation project, and he expressly states that if he were not satisfied of that fact he would recommend the passage of the bill. In other words, Senators, all through this proposition no question is made as to the equities of the claims of these people. The Secretary in his letter said:

The laborers and claimants who seek relief through the pending bill have suffered undoubted hardship.

Now then, it seems to me that these people, having no legal rights or remedies that they can enforce, coming to the Senate upon equities that are unquestioned by anyone, not even by the department itself, the Senate should feel fully justified in giving them relief. If this additional burden is imposed upon the land on which there are now no settlers, 128,000 acres, I think, for which no water rights have been contracted and upon which the Secretary has authority under legislation passed by us to increase if necessary the pro rata burden, if the lands can bear this additional amount, which is no more than 3 cents an acre, it seems to me that we ought not to hesitate in that respect, and if the burden now is figured down to the point where an addition of 3 cents an acre will ruin the project it is in a very precarious condition.

A suggested criticism yesterday as to the department assessing this additional burden upon these lands I do not really agree with, because Congress itself has provided the way in which the cost of these projects shall be assessed upon the land, and the department in doing that simply acts under the law and by the direction of the law. If any change should be made we should do it. The department is simply doing its duty under the law in these matters.

My recollection is that Congress passed a law under which we authorized the department to recancel its notices from time to time fixing the charges upon a project and to readjust them and give new notices, just for the purpose of meeting conditions where the estimated cost of the project was less than the actual cost, and where settlers had not gone in and taken the land. In order that the law should be complied with and the cost of the project assessed against the land, we authorized the Secretary to cancel the notices issued and readjust the charges and issue new notices. So we have recognized in that just exactly what we would recognize by the passage of this legislation, if it did result in imposing the claims of these people upon the lands for which no settlers have yet applied. Notices have been changed and charges increased on lands in different projects, and settlers coming after such increase can not complain.

I have just as much regard and just as much solicitude for the settlers of this country as any Member of this body, and yet it does seem to me that no one can complain if before any contract is entered into the settler knows what he will have to pay for his land. It does not seem to me that he can complain if it is a little bit more than those who first entered on the project had to pay, because he can enter into the contract or not, just as he sees fit. If he thinks the charges are too high, he need not enter the lands.

But, regardless of that, these people should not be required to bear this loss themselves. If it is inequitable and unjust to other settlers who may hereafter go on these lands to pay what amounts to 3 cents an acre for 10 years, if it is unjust to them to bear that burden, let us pass this bill and then pass legislation crediting that project with the amount of it and repay it out of the Treasury of the United States.

Some say let us sustain this veto and let these people come here with a claim. If they would ever get it that way, they would get justice in the end, it is true, but I say we have passed the bill, we have recognized their equity, and why not give it to them now and not turn them back to the uncertainties of getting a claim bill through Congress. I have often thought that if I had the money I would rather pay any claim of my constituents than try to get it through Congress, because it is almost an impossible task. But if we do relieve them, as I said, and if we believe that the project ought not to bear this charge, let us pay these people their money, and let us bring a bill in here to relieve the project from the payment. Do not put on them the burden of getting other legislation. It will not hurt the Government to do without this money for a while. It may ruin these poor people to be put to further delay.

The situation is simply this: The Government entered into a contract with a certain party to build this tunnel for a certain sum. It was a $750,000 contract. It took a $75,000 bond to protect itself. The contractor failed. Why he failed, it seems to me, is immaterial. He failed. But while he was carrying on the work these people furnished supplies and money and goods and all that sort of thing, that went into the project. They furnished these to the contractor in the belief that they had security for it if he did not pay it. As was suggested by the Senator from Iowa [Mr. CUMMINS], they knew that under their State law when they furnished material or labor in any State work that any contractor was carrying on they would have a lien, and they supposed—and this was brought out before the committee—they had a like remedy or a like protection in this case. They did not know what the law was. They had not looked it up. They had not examined the contract between the contractor and the Government. They knew they were dealing with a contractor with the United States. I submit they had every reason to believe that this Government of ours would see to it that material men and labor men had protection. But instead of that the Government had passed a law under which material men and labor men could not hold the contractor on his bond, but the United States was put in the place of those people and its claim for reimbursement for what it may have to expend was put ahead of them. The act had not been passed very long, and even if those people had known of the law under which they had the right to sue the bondsmen of the contractor, they had not had time to learn of its repeal.

The contractor failed. He could not pay these bills. The material and money of these people went into the project. It got the benefit of them. The Government has the contractor's bond, but it is of no benefit to these honest claimants. The equities and the justice are upon the side of paying these people this money, and doing it now by the passage of this bill.

As I said, the President, it seems to me, from his own message and from the letter of the Secretary of the Interior, wrote that message under a misapprehension, because there were no contracts under the letter of the Secretary that would be violated. There were no contracts existing in reference to water rights for these lands. They had their proportionate benefit from the supplies furnished and the moneys paid by these people.

It does seem to me that the Senate ought to act upon this measure favorably in behalf of these claimants. If we think that the project should not bear this burden hereafter, let some one introduce a bill to relieve the project from it, but do not keep these people out of their money any longer, in order that possibly the Government may be protected or saved. There is nothing which makes the people lose confidence in the Government so much as to find the Government mistreating its individual citizens. Everyone concedes the justice of these claims. Congress can not afford to refuse to pay them on a purely technical plea.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Ohio?

Mr. JONES. Certainly.

Mr. POMERENE. As I remember it, it was stated on the floor the other day that the amount of one of these claims is about $10,000. Is that claim held by an original claimant, or is that claim now owned by some speculator who has bought it up, and if so, for what consideration?

Mr. JONES. I do not remember just what the different items of these various claims are. My recollection is that in the hearings before the committee there was no showing at all that any of these claims were held by speculators. My recollection is, but I may be mistaken, that the claims are still held by all the people who actually furnished the money to the labor-

ers, and who took up time checks and labor checks and furnished materials.

Mr. MYERS. Mr. President——

Mr. JONES. The Senator from Montana can probably give more definite information on that point than I can.

Mr. MYERS. Ten thousand dollars of this $42,000 is a claim held by and is due to Mr. and Mrs. McDonald, small merchants of Butte, Mont. The claims for the balance of the $42,000 are still owned and held by the original claimants. They have simply been turned over to Mr. and Mrs. McDonald for the purpose of looking after the collection thereof and getting relief from Congress if possible. Their $10,000 is justly due and owing to them. Outside of that they have no interest in any of the rest of the $42,000. It goes to the original claimants. There is no speculation and there is no speculator involved in the matter at all.

Mr. JONES. Mr. President, I have nothing further to say. This claim, from the time I went into it and got at the facts, appealed to me as one that should appeal to the conscience and sense of justice of Congress, and the more I look into it the more firmly am I convinced of the justice and merit of the case and of the injustice in Congress refusing to pay it, and refusing to pay it now.

Mr. SMOOT obtained the floor.

Mr. KENYON. I wish to ask the Senator from Washington a question.

The PRESIDING OFFICER. Does the Senator from Utah yield?

Mr. SMOOT. I will be glad to yield.

Mr. KENYON. The Senator from Washington is so much more familiar with the case than I am that I wish to ask him in what respect this legislation is retroactive in character or does he think it is in any way of a retroactive character?

Mr. JONES. I do not think it is at all. I can not see wherein it is retroactive in the legal sense.

Mr. KENYON. The President seems to base his veto on the thought that the legislation is of a retroactive character. The Senator from Washington thinks it is not?

Mr. JONES. I am satisfied it is not. I have my views as to why the President came to make that statement, as far as that is concerned. No doubt he consulted with the Secretary of the Interior in regard to the bill and the claims, and he probably told him about the conditions of the law that we had repealed—the law some years ago taking away the right of the material men to sue a contractor's bondsman and giving back the right to the United States. He was told that the claims of these material men originated after that repeal, and that they had no right to it, and that this bill was really restoring the repealed law for the benefit of these people, and he, no doubt, got the impression that it would impose an additional burden on settlers who now have contracts with the Government. That, of course, should not be done, and could not be done, and is not attempted by this bill.

Mr. KENYON. I wanted to understand how this legislation could be of a retroactive character, and I wanted the views of the Senator from Washington on the subject.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Nevada?

Mr. JONES. Certainly.

Mr. NEWLANDS. If the Senator will permit me, I will state that the President was doubtless under a misapprehension as to the effect of this action upon existing contracts. A reading of his message will disclose that he supposed it would affect the prices settlers who had made contracts with the Government would have to pay for their land, whereas as a matter of fact it appears by the statement made by the Secretary of the Interior that the additional price will not be imposed upon those who are now upon the land but simply upon settlers in the future who may enter upon the land.

Mr. JONES. The Secretary states in his letter, which I read a moment ago, that he would advise the approval of this legislation were it not for the fear that it might make the project a failure, and not because it was retroactive.

Mr. SMOOT. Mr. President, I do not intend to take very much of the Senate's time this afternoon. This matter has been pretty thoroughly discussed. I would very much prefer to pay what moral obligation the Government is under in this case by a direct appropriation to the parties making the claim, and if they are entitled to the amount of the claim I want to say they should be paid the amount, but not in the way this bill provides. I recognize the force that an appeal to sympathy has, but that should not be considered, for there is a greater question than sympathy involved in this measure.

Mr. President, the Senator from Montana [Mr. MYERS] in his speech yesterday made this statement:

> They—

Speaking of the creditors of the contractor—

> They credited these people on the strength of the fact that they were dealing with the Government, believing that the law of 1894 was in force, and were so advised.

The Senator was mistaken in that statement or else the parties certainly were advised by nobody who had read the contract. The contract specifically stated that it was under the law of 1905, and if anyone was led astray it was not by the contract nor was it by the advertisement for bids, because the advertisement for the bids referred to the law of 1905.

Mr. MYERS. May I interrupt the Senator just a moment?

Mr. SMOOT. Certainly.

Mr. MYERS. I have no doubt of the correctness of the Senator's statement. That the contract was made in that way, I think, is entirely correct. But what I meant to say was, and what I will say now is, that I do not believe, and the hearings will show it, that the different small tradesmen and dealers who let this subcontractor have supplies had access to or knew anything about what was in the contract, because the contract was purely between the contractor and the Government. The people who let the contractor have supplies only knew that they were furnishing supplies for a Government contractor, and they had been advised and believed that under the law they had the first right to sue on the bond.

Mr. SMOOT. I wanted the record clear on that point, and that is the reason I called the Senator's attention to the statement made; I thought he would agree to that correction.

Mr. President, this bill was introduced in the Senate and referred to the proper committee. That committee considered it and reported it back to the Senate, with no written report whatever. It went to the calendar, was brought up by unanimous consent, was never discussed a minute, and passed. It went to the House and was considered by a committee of the House. There was a minority report made in the House and signed by three Members, as the Senator from Montana stated.

I was told by a Member of the House yesterday that this bill was brought up for consideration at the time every Member signing the minority report was in Baltimore at the Democratic convention.

I am referring to the legislative procedure on the bill, and I am going to call attention to the minority report. That is in order. It is a House document, and I have a perfect right to refer to the report made by the minority of the House committee. The minority report of the House says:

> The claims to which this bill relates are claims for labor and material furnished the subcontractor, the Western Construction Co., for which the Government in no way has bound itself to pay. No one acting for the Government at any time promised to pay these claims or in any way led the claimants to believe or expect the Government would pay them. They were merely the personal obligations of the Western Construction Co.

They also say:

> Boiled down, the real question here presented is, Who shall suffer—the water users, who are entirely innocent of any wrongdoing in the premises, or these claimants, who neglected to take security or to protect themselves when they had the opportunity to do so? Their dealings were not with the Government, not with the contractor, but with the subcontractor, and they did so at their peril. What right had they under the circumstances to look to the Government for security?

Mr. President, the Secretary of the Interior, in his letter dated July 12, 1912, addressed to the President, makes this statement:

> If the bill becomes a law, it will bring to naught the work done in instituting the suit and in protracted negotiations for settlement. The precedent will probably be followed in future cases, with the result that the Government's security will be of little value in any case. I am of the opinion that reasonable security for the claims of laborers and material men should be given by the Government's withholding payment on the contract during a time fixed for the filing of notice of such claims, payment thereafter to be made to the contractor or claimant as may be ordered by the proper court. This would require general legislation.

Now, as to where this burden will fall, if the veto message is not sustained and the bill becomes a law, there are 22,000 acres under existing contracts in the project that will not be affected. It is true that under those contracts the burden will not fall upon the entrymen, because the Reclamation Service had named the amount per acre that shall be paid for the water under those contracts, based upon its actual cost at the time, and the actual cost did not include the $42,000 involved in this bill. There are, however, 12,000 acres that will be compelled, unless it bears its share of the $42,000, to be canceled, as there are existing to-day public notices of 12,000 acres. Notices have already been given upon 12,000 additional acres, and the proportion of the $42,000 will fall upon that 12,000

acres, even if they decide to spread it over the 128,000 acres, as suggested by the Senator from Iowa.

Mr. CUMMINS. Mr. President, there is no legal difficulty in the Government recalling those notices, I understand.

Mr. SMOOT. None whatever.

Mr. CUMMINS. The Government will simply suffer the expense which it has incurred in issuing the notices. It is simply a question whether the Government ought to suffer that very little expense or whether these people ought to suffer it.

Mr. SMOOT. That is not the only question. I call the Senator's attention to the fact that if they do recall the notices and these people do decide to take up the 12,000 acres which they have already decided to do, then, if the notices are recalled, the price must be made 33 cents an acre more, and this burden will fall upon the entrymen who have already given notice of taking up the 12,000 acres, and not only that, but it will fall upon all the other 116,000 acres, at 33 cents an acre.

Mr. REED. Mr. President——

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

Mr. SMOOT. Yes.

Mr. REED. The Senator, I take it, is quite familiar with the irrigation problem. I want to ask him how much this land, speaking broadly, is worth before irrigation?

Mr. SMOOT. Very little, indeed, Mr. President.

Mr. REED. Practically nothing, except——

Mr. SMOOT. In some locations, I will say, not to exceed whatever the grazing value would be, perhaps $2 to $5 an acre.

Mr. REED. What is it worth after successful irrigation?

Mr. SMOOT. That would greatly depend upon the character of the land; but I should judge that if the water project costs $34 an acre, with the original cost of, say, $5, making $39 an acre, it would be at least worth a little more than that.

Mr. REED. That is getting at the value of what it cost to put the water on. Of course that would not be a safe way to get at it, because you might put water upon the ground at an expense of $100 an acre and it might not be worth $50. Then again you might put water on it at an expense of $10 an acre and the land might be worth $100. I wanted to know if the Senator is familiar with this land, and if so what the facts are about this particular land, and if he is not familiar with this land, what the general rule is in regard to the increase of value?

Mr. SMOOT. All I can say is that I have never been upon the land; I do not know what character of land it is; but I notice that the Secretary of the Interior in his letter to the President says:

> The bill properly provides that the United States shall not be involved by it in any expense. The laborers and claimants who seek relief through the pending bill have suffered undoubted hardship. The effect of the proposed statute would be to shift that hardship to such water users on the Shoshone reclamation project, or the part of it served by the Corbett Tunnel, as hereafter settle upon the public lands or initiate irrigation on the private lands under the project.

And then he says:

> The chief engineer of the Reclamation Service advises me that the water-right charge already imposed and to be imposed upon the lands in the project is, in view of the nature and value of the lands, now at the maximum of safety, and that the addition which the pending bill would render necessary would be a heavy burden upon all future settlers and water-right contractors and would seriously jeopardize the success of the project.

Mr. REED. Will the Senator allow me to ask him another question?

Mr. SMOOT. Certainly.

Mr. REED. Does the Senator as a business man—and he is, I understand, a very good business man, as I have been led to believe from many observations I have made of his grasp of business propositions here before the Senate, and I say that in all seriousness——

Mr. SMOOT. I thank the Senator.

Mr. REED. Does the Senator believe that any living man can figure on a project of this magnitude and get within 33 cents an acre of the actual outcome?

Mr. SMOOT. As to the actual result?

Mr. REED. Yes.

Mr. SMOOT. No; Mr. President, I do not.

Mr. REED. Then, does the Senator believe that the Government of the United States would ever be warranted in entering upon an irrigation project of such doubtful value that the expense would come within 33 cents an acre of the total value of the project?

Mr. SMOOT. Mr. President, that is not the question that we are discussing at all. This is a private claim of $42,000 made against the Government, and the question is as to who shall bear the burden of the claim.

Mr. REED. I understand that.

Mr. SMOOT. Shall it be borne by the parties who furnished material and supplies or cashed labor time checks, or shall it be passed on to the entrymen? That is the question.

Mr. REED. I understand that is the question, but I am getting to that question, I think, by a pretty straight road. If it is true that this project costs very nearly the entire value of its possible benefits, and that 33 cents an acre added to it will make the project impracticable, then it is not any use to any man living upon this earth, whether he is a settler or a prospective settler; and if our Government has ever entered upon any such project, then it needs a guardian appointed to oversee the action of the men who are responsible for such an undertaking. It seems to me it can not be true that we are so near the line that 33 cents will push us over it, and that the Secretary of the Interior must be mistaken.

The reason this is in point, if the Senator will pardon me, is this: If this is a good project, then 33 cents an acre will not ruin it; and if 33 cents an acre does ruin it, no prospective settler can be deprived of more than the possible profit of 33 cents an acre. If that is all he can count on, the settler had better never enter the land; it would be absurd to do so.

One thing further—for I do not intend to debate the question, but rather to conclude that thought—the settlers are merely in futuro; they are not required to settle upon this ground. If they find that 33 cents an acre has ruined their fortunes and their chances, they will not be obliged to locate the land. Therefore they are being deprived of nothing. You are not putting the burden on a man who is there, who has made an investment; you are simply saying to a man who may make an investment, "It is going to cost you 33 cents more an acre." If that is all the profit there is to be gained, then it does seem to me that nobody will be very badly hurt by being kept off the ground.

Mr. SMOOT. Mr. President, there is only one question involved in this whole controversy. Here are certain private claims amounting to $42,000, and most Senators, I believe, feel that there is an equity and a right in those claims; but if we pass the bill as it is, the amount of those claims will be passed on to the entrymen, and I can not for the life of me see why the entrymen should be compelled to pay an extra 33 cents an acre. The entrymen were not responsible for the loss incurred, nor was the Government responsible in any way for it.

I want to say to the Senator that from what I know of the claims and from what I have learned from the discussion of this measure in the Senate I am perfectly willing that the Government of the United States should pay $42,000 out of the Treasury of the United States in settlement of the claims, but I do not want that $42,000 transferred to a project the actual cost of which is now so near the value of the land that the additional amount would be an unjust burden. It should not be placed on the entrymen, Senators, but it should be presented here as a claim against the Government. It should go to the Claims Committee, and that committee, if the equities are as presented, would, as the Senator from North Carolina said, report the bill favorably to this body, and the Senate would pass it. That is the proper way to handle this question.

I want to say to the Senator from Missouri, if a bill for such a claim is introduced and referred to the Committee on Claims, I, as a member of that committee, will favor reporting it favorably, providing that the Government of the United States shall pay the $42,000 out of the Treasury of the United States and not to pass it on to the entrymen under this project.

Mr. REED, Mr. WORKS, and Mr. BRISTOW addressed the Chair.

The PRESIDENT pro tempore. To whom does the Senator from Utah yield?

Mr. SMOOT. I yield to the Senator from Missouri.

Mr. REED. If the Senator will allow me, because I rather started this line of discussion, as I understand, this is the situation: The man who took the contract took it for less than actual cost.

Mr. SMOOT. I do not know whether he did or not; but at least he could not perform the contract and carry the work through at the figure at which he took it.

Mr. REED. It seems to be admitted that he took it for less than actual cost. Therefore he failed in the actual construction of the work. He purchased certain materials and supplies, the benefit of which, of course, went into the actual improvement of the land. If that is true, then we arrive at the conclusion that there has been no inflation in the cost of the work.

Mr. SMOOT. Mr. President, allow me to call the Senator's attention there to the fact that the Government has already paid for the $42,000 of material and supplies; that is, it paid the money to the contractor, and it has been charged up to the

project. If the Government pays again the amount as provided in this bill, it is a double charge on the project.

Mr. REED. No.

Mr. SMOOT. It certainly is.

Mr. REED. As I understand, the facts——

Mr. SMOOT. I understand them that way.

Mr. REED. Let me see if I get it right. I think the Senator misunderstands me or I misunderstand him, and we will get a little light, perhaps, by pleasantly discussing it.

This man took a contract to build, at a certain price, a canal to carry the water to the ground. The contract price has been paid, but the contract price was less than the actual cost, and that difference was in part made up by the supplies furnished by the people who now make this claim.

Mr. SMOOT. The contractor only did 16.2 per cent of the work. The Government assumed charge after that and carried on the project to completion.

Mr. REED. Yes; but all the supplies the contractor got went into the work, and the Government took the work off his hands. The Senator does not mean to say that they paid him the full contract, and then are asked to pay this in addition?

Mr. SMOOT. They paid the contractor for all the work he did up to the time he failed and charged the amount to the project. If anyone got the advantage of this $42,000, it was the contractor.

Mr. REED. But did the contractor make any profit?

Mr. SMOOT. The contractor did not; he failed.

Mr. REED. But let us say, to take an illustration, that the contractor was paid $200,000; that he himself actually paid out $200,000, and then owed these debts. Is not that about the condition that the matter is in?

Mr. SMOOT. Well, it would be 16 per cent of $750,000.

Mr. REED. Yes; I am merely taking an arbitrary figure.

Mr. SMOOT. Then, the Senator's suggestion would be correct.

Mr. REED. Then, after all, the Government did not pay any more than this work cost, and will not pay any more than the work actually cost if they pay the $42,000; and it is for that reason only the Senator from Utah says that he is willing to appropriate the money.

Mr. SMOOT. No, Mr. President; that is not the reason at all. The Senator from Missouri and I can not agree upon that if that is the position the Senator is going to take. Now, the facts in the case are these: The contractor undertook the work for $750,000, and started upon it. As the Senator knows, the beginning of any project, the starting-up process, is very expensive. Some contractors are prepared for this class of work, while others are not. Evidently Mr. Spear was not. A contractor prepared for this class of work may have been able to make money on the contract price of $750,000; but Mr. Spear could not do so, nor did he do so. He made a failure of it. The estimates of his work were made every month, and he was paid for what he did.

Mr. REED. The full amount?

Mr. SMOOT. The Secretary of the Interior says that he was paid for the work done.

Mr. REED. He was paid 90 per cent, I understand.

Mr. SMOOT. The general rule is to pay 90 per cent.

Mr. CUMMINS. We are getting into an error there, if I may be permitted to intervene. The contractor did about 16 per cent of the work before he failed and was paid 90 per cent, the amount thereby due, but the contract price was not enough to pay for the supplies and labor in question. If the Senator from Utah is right, then, of course, there ought to be only $750,000 charged up to this project. The Government went on and completed the work, I suppose, as cheaply as it could be done and it cost the Government over $900,000 all told; and the excess is charged up to the project.

Mr. SMOOT. As I understand, what the Senator says is absolutely true; but not only was the extra expense which is attached to all projects in their initial stages charged to this project, but when the Government was compelled to assume charge of the work it had to incur that same extra expense of getting the working force in motion. That, I suppose, is one reason why the project cost a great deal more than was anticipated in the first place.

Mr. REED. Mr. President, we are getting a little aside and beyond the point I had in mind when I took the floor the last time, and I want to return to that. The Senator speaks of the hardships of settlers who may hereafter conclude to locate on this land. They do not have to locate on this land; nobody can compel them to do so; they will not locate there unless it is to their advantage. It seems to me that we are exactly in the shape that a man is in who starts to build a house and employs a contractor to build it. The contractor does not pay the material men, and a mechanic's lien is filed; and it ultimately transpires that the material men have to be paid, and they are paid. A purchaser comes along and wants to buy that house. The man who built it adds to the price of the house or counts in the price all that he has paid out. If the purchaser wants to buy it, well and good; but if he does not want to buy it because he thinks the price is too high, he has not been deprived of any right; he has not been injured; nobody is taking his money away from him. Here is this land. If we add 33 cents an acre to it to pay these claimants their money, and a prospective settler thinks the price of the land is too high, where is that man injured; what right of his has been taken away?

Mr. WORKS. Mr. President——

Mr. SMOOT. I yield to the Senator from California.

Mr. WORKS. The Senator from Missouri has inquired of the Senator from Utah about the value of this land, with water and without it, as though the only question involved here was the value of the land. That is a great mistake. It is stated by the Senator from Missouri that the settlers are at liberty to settle upon the land or not, as they please; but if the Government has expended money on the project to an amount that would exclude settlers from it—in other words, if the amount is so great that they can not afford to settle upon it at all—then the whole purpose and object of the Reclamation Service is defeated. The object of the reclamation law is to reclaim the arid lands and to have them located by actual settlers, and the question is whether under these projects the expenditure of money has been so great that a settler can not enter upon the land, reclaim it, and make it useful to himself. It is not simply a question of the value of the land by any means; but the object and purpose of the law is to secure the settlement of the lands by actual settlers, and if the expense is made so great that they are not able to settle upon them, then the object of the law is defeated.

Mr. REED. If the Senator from Utah will yield to me, inasmuch as the Senator from California directed his remarks to me, I will ask, Does the Senator from California think that in the case of this project we are within 33 cents of the actual value of the land? If so, does he think the project amounts to anything or ever ought to have been entered upon?

Mr. WORKS. Mr. President, in this particular case it is not a question of the amount. There is a principle involved that ought to be very seriously considered by the Senate. It is not a question whether in this particular case the addition of 33 cents an acre would be a great burden upon the particular settlers who may go upon this land in the future, but the whole policy of the Reclamation Service is involved in this controversy. If Congress can add from time to time to the burdens that are to be placed upon the settlers, then you are frittering away the whole purpose of the reclamation legislation.

Mr. REED. But, Mr. President, that is the very ground that is taken by the Senator from Utah and by the Secretary of the Interior, namely, that the only good reason why this bill should be defeated is that this particular project can not stand 33 cents an acre more. The closing paragraph of the Secretary's letter is:

> The chief engineer of the Reclamation Service advises me that the water-right charge already imposed and to be imposed upon the lands in the project is, in view of the nature and value of the lands, now at the maximum of safety.

Then he adds:

> Under these circumstances, I am reluctantly compelled to advise that the bill should not receive your approval.

That is the ground upon which this bill is being attacked; it is the ground the Secretary takes, and I am still undertaking to ascertain whether we have got a project out there that can not stand 33 cents more an acre.

Mr. NEWLANDS. Mr. President——

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

Mr. SMOOT. I yield to the Senator.

Mr. NEWLANDS. Let me suggest to the Senator from Missouri that the total cost of this enterprise is $4,200,000, and the number of acres reclaimed is approximately about 150,000. That means less than $30 an acre for the water rights for this acreage. If we add 30 cents to that $30 it means an addition of only 1 per cent in the ultimate cost to the settler on this land, and that can be paid in a period of 10 years.

Mr. SMOOT. It is just as the Senator from California says; there is a principle involved in this matter. If we undertake to pass this bill, we will establish a precedent that is going to bother us in the future. Suppose the contractor had gone on and had not failed until 50 per cent of the work had been completed, and instead of $42,000 worth of accounts unpaid there had been $200,000 worth of such accounts, and then we were asked that that $200,000 be added to the price of the land

for the entryman to pay, who would claim such a proceeding would be right? If such a precedent is to be followed, the cost of a project can be made so high that it would be an absolute failure, so far as the entryman settling upon the land is concerned, and then, not only would the Government lose its $200,000, or whatever amount it may be, but it would lose all, perhaps, that it had put in the project, or the difference between the cost of the project and the point to which the price was lowered at least, to enable the entryman to locate upon the land. In a case of a $4,000,000 project the loss might be half a million dollars or even more. That is the trouble in passing this bill; not the $42,000 involved, but the precedent we are establishing.

I understand the Senator from Idaho [Mr. BORAH] desires to address the Senate a short time, and as we are to vote in a few moments, I will yield to him.

Mr. BORAH. I do not care to interrupt the Senator.

Mr. NEWLANDS. Mr. President, if the Senator from Utah will allow me, I wish to make one inquiry. Assuming that the principle is now established that hereafter wherever a man furnishes material and labor in connection with an irrigation project he must be paid, as he ought to be paid, does not the Senator think that the Reclamation Service, through precautions with reference to the contractor's bond, through seeing to it, as the owner of a piece of property upon which buildings are being constructed would see to it, that men furnishing material and labor are paid before the Government payments are made, can hereafter properly guard against any such danger as the Senator anticipates?

Mr. SMOOT. No; Mr. President——

Mr. NEWLANDS. Is it not the commonest thing in enterprises involving the construction of buildings in this country for the employer to guard himself even against the contractor, and to guard himself against the imposition of mechanic's liens and liens for supplies by withholding a certain amount of money, so that he can be assured before the enterprise is ended that every claim is paid?

Mr. SMOOT. Mr. President, that would perhaps be the case in constructing for the erection of a building, but on the great irrigation projects time checks are issued to men from all parts of the United States who carry those time checks from one place to another, believing, of course, that they are just as good as the money and that they can get the money for them whenever they want it. I know of railroad contracts where time checks have been issued and not paid for two or three years, the parties simply holding them the same as they would cash, thinking perhaps they are a little safer than cash, and the same thing is often true in the case of a project of this kind.

Mr. CHAMBERLAIN. Mr. President——

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

Mr. SMOOT. I do.

Mr. CHAMBERLAIN. I want to call the Senator's attention to the fact that in some of the States time checks, such as those to which the Senator refers issued in payment of material and labor, are made a preference lien against the railroad company and take precedence over its bonds.

Mr. SMOOT. I admit that, Mr. President, and so they were on Government projects, so far as the bondsmen of contractors were concerned, up to 1905; but the Congress of the United States changed the law of 1894 in 1905, and provided that they should not be a lien in preference to the lien of the Government of the United States. I wish to say that I do not approve of the change in the law. I think the laboring man ought to have the prior lien, and I think the law of 1894 was a better law than the law of 1905.

Mr. REED. Mr. President, if that is true then we can meet the very difficulties which the Senator said we could not meet when he was discussing the proposition of time checks being carried around, and so forth.

Mr. SMOOT. That would make no difference in this case.

Mr. BORAH obtained the floor.

Mr. SHIVELY. Mr. President——

Mr. BORAH. If the Senator from Indiana desires to ask a question, I yield for a moment.

Mr. SHIVELY. I merely wanted to ask whether there is any dispute at all about the fact that the $42,000 involved in this case went into the irrigation project?

Mr. SMOOT. There is no dispute on that question.

Mr. SHIVELY. It was furnished by the laborers and by those who provided the supplies?

Mr. SMOOT. There is no dispute as to that.

Mr. SHIVELY. And they have never received anything for it?

Mr. SMOOT. The Government has paid the amount to the contractor, but the people to whom it is due have not received payment.

Mr. SHIVELY. They have never received any part of it and it is in the land to-day?

Mr. SMOOT. Yes; but if it is paid the second time, as provided for in the bill, and charged to the land, it will be a double charge upon the land.

Mr. BORAH. Mr. President, everyone agrees that there has been a loss to the people who furnished supplies and labor for this irrigation project, and everyone, so far as I know, agrees that it is a great hardship for them to suffer this loss. In its effect it comes not in the way of a general distribution or to hundreds and hundreds of settlers, or to thousands and thousands of taxpayers, but it is gathered and concentrated and falls with its entire effect and weight upon a few individuals who are unable to sustain the loss. Recognizing the fact that a loss has been sustained, everyone feels, it seems to me, that it ought to be taken care of; but we have not been able to agree on just how we should take care of it. A bill was introduced in the Senate and was referred to the Senate Committee on Irrigation and Reclamation of Arid Lands. That bill was reported by the committee and passed by the Senate. It went to the House, where it was amended by the proper committee of the House, and as amended subsequently passed the House, and came back to the Senate and was agreed to in the form in which the House passed it. Had the bill passed as it was first presented to the Senate those who have been objecting to it in its present form would have been satisfied, but it was changed to satisfy those who had a different view. Between these different views, between these complicated propositions, the people who expended their money, their time, and their labor are suffering a loss which they can ill afford to stand and are not in a position to sustain.

Mr. President, they say that this burden will fall upon the settler. It will not fall upon the settler who has already made his contract; he is exempt and secure; it could at most only fall upon the man who goes upon the project hereafter, and who has full notice as to the value of the land, who knows whether he can afford to take the land, who is advised as to its price, and who takes the land with his eyes open and with a full understanding of what it is to cost him. I submit to the Senate, is it equitable to impose this entire loss upon these people, when the Government has received the benefit of the money, when some of the landholders have received the benefit of it, when the future landholders will receive the benefit of it, and when, in fact, everyone will receive a benefit, except those who have furnished it? Is it equitable to impose upon these people this loss without any compensation whatever?

Again, if we do not desire to impose the burden of the loss upon this irrigation project, all we have to do is to pass a simple bill relieving the project from the amount of money. After we have paid these people, we can follow this bill with another bill relieving the project. Such a bill will be offered here, not only with reference to this claim, but with reference to other claims, because in other cases costs have been incurred and expenditures have been made which ought not properly to fall upon the settlers; but, Mr. President, let us do one thing, and that is, as a Government, do justice to those who have furnished the means by which the settler and the Government have been benefited, and settle our difficulties hereafter in adjusting our bills. I am in favor and propose shortly to urge a measure which will relieve all these projects from unjust expenditures.

The PRESIDENT pro tempore (at 3 o'clock p. m.). The hour has arrived at which the vote is to be taken under the unanimous-consent agreement.

Mr. LODGE. I rise to a question of order.

The PRESIDENT pro tempore. The Senator from Massachusetts will state his question of order.

Mr. LODGE. I call attention to the fact that this is a vote requiring two-thirds majority, and that under the practice of the Senate, Senators voting in the negative, or voting to sustain the message, are entitled to double pairs. That was the case in the veto message on the Fitz-John Porter bill and in connection with President Arthur's veto of the river and harbor bill. There have been cases, like the pension vetoes, during the administration of President Cleveland, where it was all one way and no point was made, but it has been the universal practice in regard to treaties, and I merely call attention to that fact before Senators vote. A Senator paired in the negative has a right to a double pair.

Mr. CUMMINS. I rise to a point of order also.

The PRESIDENT pro tempore. The Senator from Iowa will state his point of order.

Mr. CUMMINS. It is that the Senate has nothing to do with pairs. There is no rule which governs pairs, and therefore the subject is one that must be dealt with by individual Senators according to their own judgment of the case.

Mr. LODGE. That is quite true; but I wished to call the attention of individual Senators to the universal practice.

The PRESIDENT pro tempore. The Chair certainly has nothing to do with the matter. The question is, Shall the bill pass?

Mr. BRISTOW. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Kansas will state his parliamentary inquiry.

Mr. BRISTOW. I do not understand what the Senator from Massachusetts means by a Senator understanding that he must have a double pair. Suppose a Senator is paired, and he announces his pair and refrains from voting; how can he get a double pair unless there is some other Senator who volunteers to pair with him?

Mr. LODGE. Under the practice of the Senate, if he does not have a double pair, he is at liberty to vote.

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

Mr. MYERS. Mr. President——

The PRESIDENT pro tempore. Debate is not in order.

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

The PRESIDENT pro tempore. The absence of a quorum having been suggested, the Secretary will call the roll.

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

Ashurst	du Pont	Martin, Va.	Simmons
Bacon	Fall	Martine, N. J.	Smith, Ga.
Borah	Fletcher	Massey	Smith, Mich.
Bourne	Gallinger	Myers	Smith, S. C.
Bradley	Gronna	Nelson	Smoot
Brandegee	Guggenheim	Newlands	Sutherland
Bristow	Heyburn	Overman	Swanson
Bryan	Hitchcock	Page	Thornton
Burton	Johnson, Me.	Penrose	Townsend
Catron	Johnston, Ala.	Perkins	Warren
Chamberlain	Jones	Poindexter	Watson
Clapp	Kenyon	Pomerene	Wetmore
Crane	Kern	Reed	Williams
Culberson	La Follette	Root	Works
Cullom	Lippitt	Sanders	
Cummins	Lodge	Shively	

The PRESIDENT pro tempore. Sixty-two Senators have answered to their names. A quorum is present. The roll will be called.

The Secretary proceeded to call the roll.

Mr. BRANDEGEE (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. He went away a few days ago, and I told him that he could rely on me to protect him. I certainly did not anticipate this situation, where I should be held by only one Senator when I was entitled to two on this occasion, where it requires a two-thirds vote. I do not know what entered into the other Senator's mind, but inasmuch as I have not notified him that he must come here and protect himself, I do not feel at liberty to vote. I therefore withhold my vote and protect my pair.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer it to the junior Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

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

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

Mr. LIPPITT (when his name was called). I have a pair with the senior Senator from Tennessee [Mr. LEA], and in his absence, not having notified him of a situation like this coming up, I feel that I should protect him, and therefore withhold my vote.

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). I have been requested to announce that the Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. I desire this announcement to stand for the day.

Mr. WILLIAMS (when Mr. PERCY's name was called). My colleague [Mr. PERCY] is absent upon important business, and is paired with the Senator from North Dakota [Mr. MCCUMBER].

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is out of the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If present, my colleague would vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARDSON], and in view of the statement made by his colleague [Mr. DU PONT] I withhold my vote. Were I at liberty, I should vote "yea."

Mr. REED (when Mr. STONE's name was called). My colleague [Mr. STONE] is necessarily absent, and is paired with the Senator from Wyoming [Mr. CLARK].

Mr. SUTHERLAND (when his name was called). I have a pair with the Senator from Maryland [Mr. RAYNER], but under the arrangement which I have with that Senator, I am at liberty to vote on questions of this kind, where a two-thirds vote is required, when I vote in the negative, unless I am furnished with an additional pair. Not having been furnished with an additional pair, I am at liberty to vote. I vote "nay."

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. I transfer it to the senior Senator from Maryland [Mr. RAYNER] and will vote. I vote "yea."

Mr. WETMORE (when his name was called). I have a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I therefore withhold my vote. If I were at liberty to vote, I should vote "nay."

The roll call was concluded.

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

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], which I transfer to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. WATSON. I desire to announce the necessary absence of my colleague [Mr. CHILTON]. He is paired, as stated, with the Senator from Illinois [Mr. CULLOM]. If present, my colleague would vote "yea."

Mr. MARTINE of New Jersey. I announce a pair between the Senator from Arkansas [Mr. DAVIS] and the Senator from Kansas [Mr. CURTIS]. This is for the day.

The vote resulted—yeas 42, nays 17, as follows:

YEAS—42.

Ashurst	Cummins	La Follette	Simmons
Bacon	Fall	Martin, Va.	Smith, Ariz.
Bankhead	Fletcher	Martine, N. J.	Smith, Ga.
Borah	Gronna	Massey	Smith, Mich.
Bourne	Heyburn	Myers	Swanson
Bristow	Hitchcock	Newlands	Thornton
Bryan	Johnson, Me.	Overman	Warren
Catron	Johnston, Ala.	Poindexter	Watson
Chamberlain	Jones	Pomerene	Williams
Clapp	Kenyon	Reed	
Culberson	Kern	Shively	

NAYS—17.

Bradley	Gallinger	Perkins	Townsend
Burton	Lodge	Root	Works
Crane	Nelson	Sanders	
Dillingham	Page	Smoot	
du Pont	Penrose	Sutherland	

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NOT VOTING—35.

Bailey	Cullom	Lea	Rayner
Brandegee	Curtis	Lippitt	Richardson
Briggs	Davis	McCumber	Smith, Md.
Brown	Dixon	McLean	Smith, S. C.
Burnham	Foster	O'Gorman	Stephenson
Chilton	Gamble	Oliver	Stone
Clark, Wyo.	Gardner	Owen	Tillman
Clarke, Ark.	Gore	Paynter	Wetmore
Crawford	Guggenheim	Percy	

The PRESIDENT pro tempore. Forty-two Senators have voted in the affirmative and 17 in the negative and the bill is passed, notwithstanding the objections of the President.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. DU PONT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 10.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 6, 7, 8, 9, and 11, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In line 11 of the matter proposed to be inserted by said amendment, after the word "hereafter," strike out the word "graduates" and insert in lieu the words "a graduate"; in line 13, after the word "from," strike out the words "West Point, New York" and insert in lieu the words "his home"; in line 14, after the word "which," strike out the words "they first join" and insert in lieu the words "he first joins"; and in line 14, beginning after the word

"duty," strike out all the rest of the amendment down to and including the word "strength" in line 28; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In line 3 of the matter proposed to be inserted by said amendment, after the word "sergeant," strike out the word "six" and insert in lieu the word "eight"; in line 4, after the word "sergeants," strike out the word "eight" and insert in lieu the word "ten"; in line 4, after the word "musicians," strike out the word "forty" and insert in lieu the word "thirty-eight"; and in line 5, after the word "and," strike out the word "forty" and insert in lieu the word "thirty-eight"; and the Senate agree to the same.

JAMES HAY,
JAMES L. SLAYDEN,
GEO. W. PRINCE,
Managers on the part of the House.

H. A. DU PONT,
F. E. WARREN,
JOS. F. JOHNSTON,
Managers on the part of the Senate.

The report was agreed to.

PREFERENCE RIGHT OF ENTRY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5309) to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., 140), which were, on page 1, line 7, to strike out "therefore," and on page 2, in line 24, and page 3, lines 1 and 2, to strike out "*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."

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

The motion was agreed to.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. I ask unanimous consent for the present consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BRANDEGEE. I should like to ask for the regular order in order that the unfinished business may be laid before the Senate, and then I will discuss with the Senator from Oregon the future proceeding.

The PRESIDENT pro tempore. The Chair overlooked the fact that the time had expired, and the Chair lays before the Senate at this point the unfinished business, which will be stated by title.

The SECRETARY. A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BOURNE. In asking for the unanimous consent, I had no desire at all to displace the canal bill. I had conferred with the Senator from Connecticut having the bill in charge, and it was with his agreement that I made the proposition.

Mr. BRANDEGEE. That is in accordance with my understanding of it, and I simply wanted to state that upon conferring with quite a number of Senators I found they were unanimously of the opinion that adjournment would be hastened by temporarily laying aside the unfinished business, being the Panama Canal bill, and passing the appropriation bill, so that it may get into conference committee at the earliest possible day, and be considered while the Panama Canal bill is being considered here. If unanimous consent can be had that the unfinished business may be temporarily laid aside, retaining its place as the unfinished business upon the calendar without prejudice until the Post Office appropriation bill can be acted upon by the Senate, I shall make that request. I do make that request.

The PRESIDENT pro tempore. The Chair is of the opinion that under the rule the bill will come up automatically each day and that the Senate could not well make a continuing agreement as to it.

Mr. BRANDEGEE. Then I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, that order is made.

Mr. BRANDEGEE. I wish to state that I will make a similar request at the proper hour each day until the Post Office appropriation bill (H. R. 21279) is finally acted upon by the Senate.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon that the Senate proceed to the consideration of the Post Office appropriation bill? The Chair hears none.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post Offices and Post Roads with amendments.

Mr. BOURNE. Mr. President, the Post Office appropriation bill was passed by the House on May 2. In addition to carrying appropriations of over $260,000,000, it also contained more legislation of vital importance than any legislative bill I know of before Congress.

Believing that the Senate shares equal responsibility with the House on all bills of appropriation as well as legislation, the Senate Committee on Post Offices and Post Roads have carefully investigated every item and every legislative feature in the bill. The committee concluded its study on the evening of the 19th and authorized me to report to the Senate the bill now before this body.

During my five years of service in the Senate I have repeatedly been called upon to vote upon items in appropriation bills concerning which I had no information; nor had I the time to obtain it, but blindly followed the chairman of the committee or the opponents of the item or amendment, provided I had confidence in the individual. Such a condition is most irritating.

Believing that the fullest possible information concerning the subject under discussion is most desirable and must result in more intelligent legislation, I have taken the Post Office appropriation bill, dictated a brief explanatory note under each item and section, and had printed what I term an "information print," which is placed upon the desk of each Senator, together with the committee report on the bill. In the explanations I have endeavored as concisely as possible to show the reasons upon which the committee based its recommendations.

I believe the general adoption of this plan on all appropriation bills would be of great benefit to the Government, resulting in more intelligent legislation and economizing the time of the Senators and Representatives, though requiring far more work on the part of the chairman of every committee to which is referred any appropriation bill. However, this extra work on the part of 1 Senator must save the time of the other 95, and, in my opinion, will expedite legislation on the floor of the Senate.

The House bill contained direct appropriations aggregating $260,366,199. The bill now before the Senate, as recommended by the Senate Committee on Post Offices and Post Roads, carries appropriations amounting to $271,126,320, showing an apparent increase of $10,760,121.

While section 9 of the bill increasing the compensation of rural carriers was adopted by the House, the House failed to make any increased appropriation, although its enactment into law would necessitate an increased expenditure of $4,386,900. The Senate committee disagreed to section 9 of the House bill and recommended an amendment to the appropriation for the compensation of rural carriers, increasing the maximum compensation $100 per annum and thereby increasing the appropriation $3,625,000 instead of $4,386,900, as would be required if the Senate agree to section 9 as passed by the House.

The House also failed to make any appropriation for section 5 of the House bill establishing an eight-hour day. The enactment of this section, as set forth in the House bill, would necessitate an additional appropriation of about $3,000,000. While a majority of the Senate committee agreed to section 5, they recommend postponing the time of operation to March 3, 1913, thus saving the Government $2,100,000 over the provision that would have been required by the enactment of said section as in the House bill.

In other words, had the House made the appropriations necessary to the carrying out of the provisions of the bill as passed by that body, the bill would have carried an appropriation of $267,753,099, instead of the $260,366,199 that it actually does carry. Thus in reality the recommended Senate increase over the House bill is only $3,373,231. The principal item of this increase is the $2,598,000 made necessary by the restoration to mail trains of that portion of second-class mail known as the "blue-tag" or freight service, and the further item of $750,000 appropriated in the Senate parcel-post service.

I suggest to Senators if they will consult the information print on their desks they will see the argument as the bill is read.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

Mr. LODGE. The bill will be read for amendment, I suppose, at the same time? I suppose the usual course will be followed?

The PRESIDENT pro tempore. That request has not been made.

Mr. BOURNE. I was going to ask unanimous consent that the Senate dispense with the first formal reading of the bill and proceed to the consideration of the committee amendments, but on talking over the matter with some Senators they seemed to think that better information could be received regarding the bill if the bill was read by the Clerk. I will ask the unanimous consent, and then any Senator who prefers to have it read of course can make objection.

Mr. President, I ask unanimous consent that the first formal reading of the bill be dispensed with, and that we proceed to the consideration of committee amendments.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent——

Mr. SMITH of Georgia. It seems to me——

The PRESIDENT pro tempore. Will the Senator from Georgia allow the Chair to put the request?

Mr. SMITH of Georgia. Certainly.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the first formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to be first considered.

Mr. SMITH of Georgia. Mr. President, I have hesitated about objecting to a custom that has been so uniform in the Senate, but I think that in reading the bill not only committee amendments but amendments to be proposed from the floor ought to be permitted as each section of the bill is read. With that modification I am ready to agree that unanimous consent be given.

Mr. LODGE. The request can be made in that way, that the bill may be read and that amendments be considered as the paragraphs are reached.

Mr. POMERENE. The Senator from Oregon, in presenting the bill, made the statement that there is a considerable amount of legislation involved in the bill, and I think that is true. If amendments which involve new legislation are to be voted on at once, it seems to me that Senators would be at some disadvantage, particularly those who have not had the time to consider them. With that thought in mind, it does seem to me that if we were informed as to the entire contents of the bill we would be in a better position to consider the amendments. I do not like to object, but I confess that there are some amendments I am not prepared to vote upon this afternoon.

Mr. LODGE. Mr. President, the reading of the bill in committee is not one of the regular readings necessary to make the bill a law. It is merely that any Senator has a right to ask for the reading of the bill. It is not strictly a first formal reading, because it is not required.

Mr. POMERENE. Mr. President——

Mr. LODGE. One moment. Let me complete my statement. When a bill is read through from beginning to end without interruption and nothing is done, long habit shows that when a bill is read in that way from the desk, solidly, from beginning to end, nobody pays any attention to it. The practice has been adopted of making that the one reading, so that the amendments are taken up as reached, and if an amendment is an important one, upon which Senators desire to be present, it has always been the custom in the Senate to pass it over so that there could be due notice. But the long, unbroken habit of the Senate for many years, of reading the bill and having the amendments acted on as they are reached—whether not the amendments of the committee alone, but other amendments, is a secondary point—certainly leads to a better consideration of the bill than in any other way, because when the bill is read without interruption nobody pays attention to it. After that is done amendments can be offered to any part of the bill at any time.

Mr. POMERENE. When I endeavored to interrupt the Senator while he was speaking I was going to suggest that if the amendments which involve new legislation will be permitted to lie over on the request of a Senator, I would have no objection to the proceeding proposed.

Mr. LODGE. That has been the universal practice in considering bills of this sort.

Mr. BACON. I understand that the purpose is not to pass finally upon a paragraph when amendments have been adopted, but that we will proceed to the end of the bill, and under the liberal practice, which the Senator will recall was very much in vogue some years ago, on the request of any Senator the Senate will return to a paragraph for any additional amendment which may be suggested.

Mr. LODGE. I never knew about that practice, but I suppose amendments are to be dealt with as reached. We must have an end of legislation at some time.

Mr. BACON. I am not speaking of dealing with amendments as they are reached. I am speaking of the question whether or not Senators are precluded from the fact that amendments have been adopted to a paragraph from offering later additional amendments to the same paragraph.

Mr. LODGE. When an amendment is passed over of course we can return to it. If an amendment is dealt with we can reach it again in the Senate. Certainly we have enough methods of delaying matters in the Senate without multiplying them. Here is a bill read line by line, paragraph by paragraph. Each amendment is considered. If no Senator wishes to have it passed over it is dealt with and adopted or not, as the case may be. If we have the right to return and reconsider every amendment it protracts the consideration of the bill indefinitely.

Mr. BACON. The Senator in his earnestness entirely overlooks the suggestion which I made. I have not been making the suggestion as to going back to any paragraph which has been adopted, nor have I spoken of the case of a paragraph which has been passed over. I am simply suggesting that frequently there may be a paragraph to which certain amendments have been offered, and when they have been adopted, of course, they are final in that regard until the bill gets into the Senate. But before we get into the Senate it may occur that some additional amendments may be desired to certain paragraphs which have been thus acted upon. I am not seeking in any manner to disturb the action which has been taken.

Mr. LODGE. Of course, the bill is open to amendment, and a Senator can offer an amendment at any point in the bill after the reading has been concluded. The Senator understands that as well as I do.

Mr. BACON. I thought I understood it, and I said it would be followed as heretofore; and the contention——

Mr. LODGE. That is a right that can not be taken away.

Mr. BACON. I simply made the statement, and yet the Senator insisted upon contending——

Mr. LODGE. I did not understand that the Senator was contending for a right which nobody proposes to take away and which can not be taken away.

Mr. BACON. I simply wanted to know if that was recognized, and the Senator insisted upon making a contention about questions which I had not raised.

Mr. WARREN. Mr. President, undoubtedly if every Senator would stay in his seat and follow the bill as read it would be better to first have a formal reading of the bill and then go back and take up the Senate committee amendments, but, unfortunately, as the Senator from Massachusetts has said, between the little recesses of luncheon and other business which intervenes that is not always done.

We have lately tried both systems. More than a week ago we were at work upon a bill where we read it through, or nearly through, before we commenced to consider the amendments. It struck me then that there was more confusion in considering the committee amendments after that first reading than there would have been if we had read the bill in the usual way, omitting the formal reading and reading it for committee amendments, because in that way the bill is carefully read and a Senator who is watching it is led up to an amendment and usually understands it by the time he gets to it, whereas if there is a formal reading of the bill and after that we proceed direct to committee amendments and they are considered without further reading of the bill they are not so readily taken up and understood by Senators.

I think it is more convenient for Senators to dispense with the formal reading and have the committee amendments considered as they are reached. After we pass through the bill, of course we can turn back, or any amendment can be laid aside which any Senator wishes to consider further. Then it is open to add anything to any of the amendments, and even to amend the amendments themselves after we get into the Senate. So every kind of privilege is retained to the Senate should assent be given to dispense with the formal reading.

The PRESIDENT pro tempore. Does the Senator from Oregon modify his request along the line suggested by the Senator from Georgia?

Mr. SMITH of Georgia. I do not desire to interpose any objection to the bill, but it is my purpose to object to a unanimous consent allowing simply committee amendments to be considered.

Mr. BOURNE. That was not the intention, I will say to the Senator from Georgia.

Mr. SMITH of Georgia. It is my purpose when I am present on any bill in which I feel an interest, when numerous com-

mittee amendments are before the Senate, to withhold my consent from a unanimous-consent agreement that the bill shall be considered section by section, and that simply the committee amendment shall be considered.

I think that after the committee amendments are presented, while the section is fresh in the mind of the Senate, if any Senator desires to add an amendment it is far easier for him to do so at the time rather than to be cut off until the separate sections have ceased to have their separate consideration and the bill comes up for consideration as a whole.

I am perfectly willing as to this bill to give just the consent that the Senator in charge wishes, and I do not desire in presenting this new suggestion to interfere in any way with his bill, because I have not any amendment myself to suggest.

Mr. BOURNE. It is perfectly satisfactory that after the committee amendments are considered any Member of the Senate can offer to that section such amendments as he may have. I should like to have the unanimous-consent agreement, if made, so construed.

The PRESIDENT pro tempore. Without objection, the unanimous-consent agreement will be reached in that form and the reading of the bill will be commenced.

The Secretary proceeded to read the bill. The first amendment of the Committee on Post Offices and Post Roads was, under the subhead "Office of the Postmaster General," on page 3, line 2, before the word "dollars," to strike out "three" and insert "four," and in the same line, after the words "per day," to strike out "$261,400" and insert "$361,870," so as to make the clause read:

For per diem allowance of inspectors in the field while actually traveling on official business away from their home, their official domicile, and their headquarters, at a rate to be fixed by the Postmaster General, not to exceed $4 per day, $361,870.

The amendment was agreed to.

The next amendment was, on page 4, line 6, before the word "thousand," to strike out "thirty-one" and insert "forty-one," so as to make the clause read:

For traveling expenses of inspectors without per diem allowance, inspectors in charge, and the Chief Post Office Inspector, and expenses incurred by inspectors not covered by per diem allowance, unusual and extraordinary expenses necessarily incurred for maintenance by inspectors over and above per diem allowance while traveling on official business in the District of Alaska, and for the traveling expenses of two clerks performing stenographic and clerical assistance to post-office inspectors in the investigation of important fraud cases, $41,400.

The amendment was agreed to.

The next amendment was, on page 4, line 16, before the word "dollars," to strike out "five thousand" and insert "seven thousand five hundred," so as to make the clause read:

For necessary miscellaneous expenses at division headquarters, $7,500.

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to insert:

For printing, binding, and wrapping a revised edition of the Postal Laws and Regulations, such edition to be prepared under the direction of the Postmaster General and printed at the Government Printing Office and to consist of 110,000 copies, 5,000 of which shall be retained by the Public Printer for sale to individuals at the cost thereof and 10 per cent added, the proceeds of such sales to be deposited in the Treasury as provided by law, $55,000, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be used for the purpose of compiling the above publication.

Mr. BACON. May I ask the Senator there what is the provision to be made for meeting the expenses necessary for compiling? I notice this proviso:

That no part of this appropriation shall be used for the purpose of compiling the above publications.

I simply ask for information what is the provision made for the expense necessary for that compiling?

Mr. BOURNE. That is in order that the compilation shall be done by the clerks in the Post Office Department. I will say to the Senator from Georgia that, in the opinion of the committee, there is great necessity for this new edition of the Postal Laws and Regulations. Some 750 amendments have been made since the last edition was printed and it is entirely out of date now.

Mr. WARREN. It is for the convenience, I understand, of postmasters and those who have to act under the law.

Mr. BOURNE. Yes.

The amendment was agreed to.

The reading of the bill was continued to line 17, page 6, as follows:

OFFICE OF THE FIRST ASSISTANT POSTMASTER GENERAL.

For compensation to postmasters, $30,000,000.

For compensation to assistant postmasters at first and second class post offices, 5, at not exceeding $4,000 each; 38, at not exceeding $3,000 each; 6, at not exceeding $2,500 each; 6, at not exceeding $2,000 each; 16, at not exceeding $1,900 each; 40, at not exceeding $1,800 each; 81, at not exceeding $1,700 each; 131, at not exceeding $1,600 each; 155, at not exceeding $1,500 each; 141, at not exceeding $1,400 each; 341, at not exceeding $1,300 each; 528, at not exceeding $1,200 each; 480, at not exceeding $1,100 each; 176, at not exceeding $1,000 each; 135, at not exceeding $900 each; 125, at not exceeding $800 each; and 100, at not exceeding $700 each; in all, $3,000,000. And the appointment and assignment of assistant postmasters hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. WARREN. I want to ask right there why there should be an increase in number there and a greater number employed. Would it be at the expense of the salary of the others? Would they have to be reduced? I notice there is a fixed sum.

Mr. BOURNE. It would have to be adjusted according to the number of employees. There would be no increase in the appropriation other than what is fixed in the item itself. It would be administrative and adjusted in accordance with the classification.

Mr. WARREN. The appropriation of $3,000,000 must govern?

Mr. BOURNE. Absolutely.

Mr. WARREN. And under that if you arrive at the maximum and further employees should be necessary they would have to be denied or some of them reduced.

Mr. BOURNE. I do not see how they could be reduced. Their salaries are fixed by law.

Mr. WARREN. Except where they have authority to employ not exceeding a certain number at not exceeding certain salaries.

Mr. BOURNE. Then they would have that latitude in the administration.

Mr. WARREN. I wish to ask the Senator if he thinks there is flexibility enough there to provide for an additional employee or at an advanced salary when they were up to the limit.

Mr. BOURNE. I do not believe that they reach the limit. I imagine deaths, removals, and so on provide places enough.

Mr. WARREN. I want to know whether there is margin enough in the appropriation of $3,000,000 to cover exigencies as they may arise?

Mr. BOURNE. I think that would be a departmental matter, and I am under the impression that they so consider it. Of course a matter of that kind is not one of policy but of administration to be provided for by departmental recommendation.

Mr. BACON. I should like to ask the Senator from Oregon a question for information. I notice in this paragraph all these salaries are fixed at a maximum; that is, they are not to exceed a certain amount. Does the department have the right arbitrarily to fix a salary at some amount greater than that?

Mr. BOURNE. Not according to my understanding.

Mr. BACON. What do the words "not exceeding" mean unless it may be less?

Mr. BOURNE. I think that is the language usually used. My impression is that the salaries and number of employees are fixed by law and that the administrative branch of the Government must conduct itself under the law as it is enacted.

Mr. BACON. I will state to the Senator that the inquiry was suggested to my mind by one expression in the explanatory note. The explanatory note says that this appropriation in the preceding section is—

Deemed necessary because of growth of service and lack of appropriations last year to pay adequate salaries.

Mr. BOURNE. That was——

Mr. BACON. If the Senator will pardon me just a moment until I finish the statement, the use of the word "adequate" suggested to my mind that there must be some discretion somewhere or else there would be a deficiency. If it had said "sufficient to pay the prescribed salaries," I would have understood, of course, that it would be made under a deficiency bill, but when it said "adequate salaries" it would indicate, to my mind, that there had been payments made to cover all the cases, but that there was an authority to adjust the salaries to the total amount, and in that way possibly by less than the amount specified. That caused me to look at the phraseology of the section. I notice in each instance there is this phraseology:

For compensation to assistant postmasters at first and second class post offices, five, at not exceeding $4,000 each.

I, of course, ask for information because I do not understand why that language was used. It runs through the whole section. While it could not exceed $4,000 it might be less.

Mr. BOURNE. I will say to the Senator from Georgia they can not exceed the maximum amount, but I understand they have discretionary power to go under in some instances.

Mr. BACON. That is what impressed me.

Mr. BOURNE. It was to cover that provision exactly.

Mr. BACON. This is exercised by the Postmaster General, I understand?

Mr. BOURNE. So I understand.

Mr. BACON. By a specific provision of law or by a custom which has grown up?

Mr. BRISTOW. Mr. President, if the Senator will pardon me, I will say that it has been the case since I have been acquainted with the department—something over 15 years—to have the language this way, and there are times when it is necessary or desirable that the maximum salary should not be paid, but as a rule this is the prevailing salary. I think it is better to leave it as it is.

Mr. BACON. I am not criticizing the language. I am simply trying to find out what it means.

Mr. WARREN. My inquiry was to preface an inquiry that I am going to make at a later point. I notice at a later point, where a large number of employees are provided "at not exceedings," and so forth, there is put down a footing. The question is, in some cases where there are provided salaries, whether the footing is to govern or whether the subdivisions as to salaries of the employees are to govern. I pass it now, but when I come to the other I want to bring the question up.

The Secretary continued the reading of the bill.

The next amendment was, under the subhead "Office of the First Assistant Postmaster General," on page 6, line 24, after the word "Auditors," to insert "and superintendents of mails," so as to make the clause read:

Auditors, and superintendents of mails, 7, at not exceeding $3,000.

Mr. LODGE. I suggest, at the bottom of page 6, line 25, after the word "dollars," there should be inserted the word "each."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 6, line 25, after the word "dollars," insert "each," so as to read:

Auditors, and superintendents of mails, 7, at not exceeding $3,000 each.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The Secretary resumed the reading of the bill.

The next amendment was, on page 7, line 1, before the word "superintendents," to insert "Assistant superintendents of mails," and in line 2, before the words "of delivery," to strike out "Superintendents" and insert "superintendents," so as to make the clause read:

Assistant superintendents of mails, superintendents of delivery, and superintendents of mails, 15, at not exceeding $2,700 each.

The amendment was agreed to.

The next amendment was, on page 7, line 5, before the word "Cashiers," to insert "Assistant superintendents of mails," and in line 6, before the word "superintendents," to strike out "Cashiers" and insert "cashiers," so as to make the clause read:

Assistant superintendents of mails, cashiers, superintendents of delivery, and superintendents of mails, 18, at not exceeding $2,600 each.

The amendment was agreed to.

The next amendment was, on page 7, line 9, before the word "Cashiers," to insert "Assistant superintendents of mails"; and in line 10, before the word "superintendents," to strike out "Cashiers" and insert "cashiers," so as to make the clause read:

Assistant superintendents of mails, cashiers, superintendents of delivery, superintendents of mails, and superintendents of stations, 21, at not exceeding $2,500 each.

The amendment was agreed to.

The next amendment was, on page 7, line 16, after the words "finance clerks," to strike out "private secretaries" and insert "stenographers," so as to make the clause read:

Assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, bookkeepers, cashiers, finance clerks, stenographers, superintendents of delivery, superintendents of mails, superintendents of money order, and superintendents of registry, 35, at not exceeding $2,400 each.

The amendment was agreed to.

The next amendment was, on page 8, line 1, before the word "Cashiers," to insert "Assistant superintendents of mails"; and in line 2, before the word "chief," to strike out "Cashiers" and insert "cashiers," so as to make the clause read:

Assistant superintendents of mails, cashiers, chief stamp clerk, night superintendents, superintendents of carriers, superintendents of delivery, superintendents of inquiry, superintendents of mails, superintendents of money order, and superintendents of registry, 20, at not exceeding $2,100 each.

The amendment was agreed to.

The next amendment was, on page 8, line 21, after the words "finance clerks," to strike out "private secretaries" and insert "stenographers," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 85, at not exceeding $1,800 each.

The amendment was agreed to.

The next amendment was, on page 9, line 8, after the words "finance clerks," to strike out "private secretaries" and insert "stenographers," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 140, at not exceeding $1,700 each.

The amendment was agreed to.

The next amendment was, on page 9, line 19, after the words "foremen of crews," to strike out "private secretaries" and insert "stenographers," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 140, at not exceeding $1,600 each.

The amendment was agreed to.

The next amendment was, on page 10, line 6, after the words "foremen of crews," to strike out "private secretaries" and insert "stenographers," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 258, at not exceeding $1,500 each.

The amendment was agreed to.

The next amendment was, on page 10, line 17, after the words "foremen of crews," to strike out "private secretaries" and insert "stenographers"; and, in line 21, after the words "superintendents of stations," to strike out "five hundred and sixty" and insert "nine hundred and forty-seven," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, special clerks, examiners of stations, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 947, at not exceeding $1,400 each.

The amendment was agreed to.

The next amendment was, on page 11, line 4, after the words "foremen of crews," to strike out "private secretaries"; and, in line 5, after the word "clerks," to insert "stenographers"; and, in line 9, after the word "thousand," to strike out "five hundred and four" and insert "seven hundred and seventeen," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of money order, assistant superintendents of mails, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, cashiers, chief mailing clerks, chief stamp clerks, examiners of stations, finance clerks, foremen of crews, special clerks, stenographers, superintendents of carriers, superintendents of delivery, superintendents of mails, superintendents of money order, superintendents of registry, superintendents of second-class matter, and superintendents of stations, 1,717, at not exceeding $1,300 each.

The amendment was agreed to.

The next amendment was, on page 11, line 15, after the words "foremen of crews," to strike out "private secretaries"; and, in line 18, after the word "stations," to strike out "sixteen thousand four hundred and seventy-nine" and insert "fourteen thousand five hundred and nineteen," so as to make the clause read:

Assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, assistant superintendents of money order, assistant superintendents of registry, assistant superintendents of stations, bookkeepers, chief stamp clerks, clerks, finance clerks, foremen of crews, stenographers, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 14,519, at not exceeding $1,200 each.

The amendment was agreed to.

The next amendment was, on page 11, line 21, after the word "clerks," to strike out "private secretaries"; and in line 24, after the word "stations," to strike out "six thousand seven

hundred and forty" and insert "eight thousand one hundred," so as to make the clause read:

Assistant superintendents of stations, clerks, stenographers, superintendents of carriers, superintendents of second-class matter, and superintendents of stations, 8,100, at not exceeding $1,100 each.

The amendment was agreed to.

The next amendment was, on page 12, line 4, after the word "stations," to strike out "private secretaries," so as to make the clause read:

Assistant superintendents of stations, clerks, clerks in charge of stations, stenographers, superintendents of carriers, and superintendents of second-class matter, 3,000, at not exceeding $1,000 each.

The amendment was agreed to.

The next amendment was, on page 12, line 8, after the word "stations," to strike out "private secretaries," so as to make the clause read:

Clerks, clerks in charge of stations, and stenographers, 2,500, at not exceeding $900 each.

The amendment was agreed to.

The next amendment was, on page 12, line 16, after the word "pay," to insert "and for payment of services in excess of eight hours," so as to make the clause read:

Substitutes for clerks and employees absent without pay, and for payment of services in excess of eight hours.

Mr. BRISTOW. Mr. President, I think the Senate should disagree to that amendment. I do not think the department ought to recognize overtime in the postal service. That department has not recognized overtime for a number of years, and it ceased to recognize overtime because of the very great abuses arising from the practice. A number of years ago the department paid about three and a half million dollars to letter carriers for overtime during a period covering about three years, and the provisions in the bill recognizing overtime simply invite the making of overtime by employees in the postal service. It will result in a number of employees, carriers and clerks, working overtime, and their salaries will thereby become increased. Nobody can tell what the amount will be, but in the course of years it will entail upon the Government very great expense.

Then, again, in our post offices there are substitute clerks and substitute letter carriers. When there is more work than the regular carriers can do the substitutes are called upon. Thereby they are permitted to earn something, which makes the position of a substitute more desirable, and they acquire experience which equips them for taking the place of the regular employees when the time comes for them to be regularly appointed. I sincerely trust that the Senate will refuse to recognize overtime in the postal service. It will be a very dangerous proposition, and it is one from which the Government receded years ago because of the abuses that arose under it.

Mr. BOURNE. Mr. President, I ask my friend, the Senator from Kansas, if his remarks are not directed rather against the second paragraph of section 5? The proposed Senate committee amendment on page 12, line 17, is necessary and appropriate if section 5 be enacted.

Mr. BRISTOW. No; I do not think it is necessary, even if section 5 is enacted. Section 5 will, of course, necessitate the employment of additional help in order to attend to the Government's business.

Mr. BOURNE. But the second paragraph of section 5 applies to overtime compensation, and this amendment is put in here on the assumption that section 5, as passed by the other House and recommended by a majority of the committee of the Senate, will be enacted into law, and would then require this amendment on page 12, line 17. It is supplemental to the other.

Mr. BRISTOW. If there is no provision in the appropriation bill authorizing payment for overtime they can not employ these clerks overtime; they will have to employ the substitutes to do the work instead of having regular employees work overtime. I think that this amendment should go out, and the other provision also, but even if the other does not go out, then it would stop the evil if the appropriation for this purpose is cut out.

Mr. BOURNE. Mr. President, I ask the Senator from Kansas if it would not be necessary to adopt the committee amendment on page 12, line 17, providing the second paragraph of section 5, to which he makes objection, remains in the bill?

Mr. BRISTOW. Well, of course, that provision recognizes the fact that the clerks may work excessive hours and I think that ought to be amended, but at the same time that does not necessarily call for an appropriation. That merely gives the authority, but if the appropriation does not authorize overtime the overtime could not be made.

Mr. BOURNE. If section 5 be enacted it specifically provides for compensation for overtime, and this proposed amendment simply relates to that.

Mr. BRISTOW. Of course this is the first place where the question of overtime arises in the bill, and I think we should meet it now, because it is a grave danger and the experience of the Post Office Department in the past demonstrates that overtime should not be permitted. Then, the whole trend of modern industrial affairs is against allowing overtime, because more employment is afforded by doing away with it.

We passed an eight-hour law. What was the purpose of that law if not to limit the term of employment to eight hours a day? We have provided for an eight-hour day, a very great limitation, and now we are undertaking to pass a bill authorizing the violation of the eight-hour law. That is what it does. It is an utter inconsistency if we are going to stand for the principle of the eight-hour law.

Mr. BOURNE. As I understand, the Senator's objection is not to the financial reward or payment for overtime, but to overtime being allowed?

Mr. BRISTOW. I am against overtime; yes.

Mr. BOURNE. Then the Senator's objection is really to the second paragraph of section 5 rather than to this particular amendment, which, as I understand, is necessary, provided the whole of section 5, as it came from the other House, is enacted into law.

Mr. BRISTOW. I can not agree with the Senator that this amendment is necessary, even if section 5 stands unchanged. Rejecting the amendment simply refuses to appropriate any money to pay for overtime. The appropriation to which I am objecting is the one providing money to pay for overtime. I think the other clause ought also to be stricken out, but even if that is not stricken out, this one should be.

Mr. BOURNE. I would suggest that we let this amendment go over and not act on it now.

Mr. BRISTOW. I am perfectly willing that that shall be done.

Mr. WARREN. If the Senator will allow me, I wish to ask a question to see if I understand the Senator correctly. As I understand the Senator, it is not proposed by this amendment to make the hours of labor longer?

Mr. BRISTOW. Oh, no.

Mr. WARREN. But it is to employ men eight hours a day only, and then not to pay them for overtime, but instead to employ substitutes and thus not debar others from employment. Is that correct?

Mr. BRISTOW. That is exactly right. The regular employee will work overtime and do the work, and the substitute will never have anything to do. We are pretending to observe the eight-hour law, but are not doing so.

Mr. JOHNSTON of Alabama. I want to ask the Senator if he does not think that in many instances where there is no substitute a little overtime—say, half an hour—can be made by a clerk in the discharge of his duty, and that the clerk ought to be allowed something for it? It is really immaterial.

Mr. BRISTOW. There are substitutes everywhere, I think. I do not think there is any place where there are not substitutes. This proposition is a violation of the whole principle of the eight-hour law.

Mr. JOHNSTON of Alabama. I presume substitutes are not standing around a post office all the time, and, unless a clerk is allowed to work overtime on occasions, he may lose the opportunity of making up mails and expediting operations of that kind while hunting for a substitute.

Mr. BRISTOW. There is not now any provision for overtime service where the eight-hour law applies.

Mr. JOHNSTON of Alabama. I suppose employment over the eight hours is voluntary on the part of an employee? He can not be made to work overtime against his will?

Mr. BRISTOW. Oh, the employee, of course, will want to work 9 or 10 hours; he will want to work more than 8 hours, if he has nothing else to do, because he will thereby receive more pay.

Mr. JOHNSTON of Alabama. The Senator would not save anything at all if he is giving it to some one else.

Mr. BRISTOW. The whole purpose of the amendment is to permit the employee to work more than eight hours.

Mr. BOURNE. Mr. President, I call the attention of the Senator from Kansas to the fact that the overtime provided for under section 5 is only in case of emergency; it is not a general premium that is held out, and the Senate committee amendment would only be applicable to the emergency, as stated in the second clause, section 5.

Mr. BRISTOW. This provision is not for an emergency. There will be no emergencies in the future that have not occurred in the past; the department is getting along now and has done so for years without any overtime, while the eight-hour limit is imposed. There is no occasion to open it up again.

Mr. SMITH of Georgia. I should like to ask the Senator from Kansas to state to what class of employees this amendment applies? Does it propose to change the eight-hour rule as applied all over the United States?

Mr. BRISTOW. All over the United States; yes. It is proposed to apply to clerks and carriers in all the post offices of the United States.

Mr. SMITH of Georgia. Does it apply also to the department here?

Mr. BRISTOW. No.

Mr. BOURNE. I will say for the information of the Senator from Georgia, and with the permission of the Senator from Kansas, that it applies to letter carriers in the City Delivery Service and to the clerks in first and second class post offices, according to section 5 as found in the House bill.

Mr. SMITH of Georgia. That was my impression, and I only wanted it stated, so that it would be clear.

Mr. HITCHCOCK. Is it proposed to apply this provision to the railway postal clerks?

Mr. BOURNE. I will say to the Senator——

Mr. HITCHCOCK. It is not claimed that railway postal clerks are under the eight-hour law at present?

Mr. BOURNE. This amendment refers to the City Delivery Service and to mail clerks in first and second class post offices. It does not apply to the railway mail clerks.

Mr. HITCHCOCK. I was asking for information whether the railway mail clerks were protected by such a provision.

Mr. BOURNE. They are not, in my opinion.

Mr. HITCHCOCK. Because I have complaints, which I desire to bring up at the proper time, by some five or six railway mail clerks running into and out of Omaha, who have been temporarily demoted and subjected to penalties from which they are still suffering—some $200 a year in salary—because they protested against being compelled to work 16 hours a day.

Mr. BOURNE. That will come up under another section; that is in a later part of the bill.

Mr. HITCHCOCK. I will call it up at the proper time.

The PRESIDENT pro tempore. Without objection, the amendment will be passed over for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 12, line 18, before the words "per cent," to strike out "seventy-five" and insert "fifty," and in line 20, before the words "per cent," to strike out "seventy-five" and insert "fifty," so as to make the clause read:

And to provide for the promotion of 50 per cent of the clerks in first-class post offices from the fifth to the sixth grade and for the promotion of 50 per cent of the clerks in second-class offices from the fourth to the fifth grade.

Mr. WARREN. I want to ask the Senator about that. Did the committee in that instance think that the House was too liberal in the matter of promotions?

Mr. BOURNE. No; I will say to the Senator from Wyoming that the idea of the committee was that better service and greater efficiency would be obtained by giving a larger opportunity for promotion in the higher grades than in the lower grades, as the House bill provided. The provision of the House bill for the promotion of 75 per cent of the number of certain clerks would allow promotions from the $1,000 grade to the $1,100 grade in second-class offices and from $1,100 to $1,200 in first-class offices, and it was the opinion of the Senate committee that better service and greater efficiency would accrue by increasing the number of promotions in the $1,300 and $1,400 grades rather than in the $1,100 and $1,200 places, leaving the 50 per cent provision to apply to the lower grades, as it does at present.

Mr. WARREN. That appears in another paragraph?

Mr. BOURNE. Yes.

Mr. WARREN. I want to ask the Senator, if I may be permitted to do so, another question. In lines 23 and 24, on page 12, the total of $37,878,000 has been reduced by the committee, I presume because of the reduction in the paragraph above?

Mr. BOURNE. Yes; because of the changes.

Mr. WARREN. That paragraph is preceded by a long list of clerks and operators whose salaries it is provided shall not exceed a certain sum. Then the total is made up. The total does not in this instance contain the language found on page 6. I assume that it is purposely left out, and is made to read simply, "In all, $37,750,000," which would not cover it, provided the preceding paragraphs amounted to more than that; but I wondered if there was any reason for the restriction in the one case and not in the other. The Senator will see in both cases that if there is an iron-clad rule that the clerks shall not exceed a certain number, and if you figure it up to that number and insert that as a total—and I do not know what other basis you would predicate the total on—you then could not increase the number of clerks or their compensation in any way without taking the money from some other place.

Mr. BOURNE. I will say to the Senator that the point he makes did not come up in the discussion in the Senate committee; that we adopted the amendment in the language of the House provision.

Mr. WARREN. Without going through and adding it up to see whether it amounted to the same or not?

Mr. BOURNE. Yes.

Mr. WARREN. If my estimate is correct, this is about $2,000,000 short.

Mr. BOURNE. As I understand, if this were passed as it is the Treasury Department would set that amount aside, and the Post Office Department, in its operations, would be bound by the provisions of law, so the result would be that there might be an excess of appropriations of $3,000,000, but it could not be utilized in any way under the provisions of this bill.

Mr. WARREN. In that case this $37,750,000, which is as near the total as you could get it, would not really control.

Mr. BOURNE. That is my opinion, but the Senator is a far better judge of that than I am, with his long experience on the Appropriations Committee.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 12, line 24, before the word "thousand," to strike out "eight hundred and seventy-eight" and insert "seven hundred and fifty," so as to read:

In all, $37,750,000.

Mr. POMERENE. Mr. President, I ask that the amendments proposed by the committee on page 12, from lines 18 to 24, inclusive, providing for the promotion of 50 instead of 75 per cent of the clerks in first-class post offices, and the amendments pertaining thereto, be passed over for the time being.

Mr. BOURNE. That is perfectly agreeable to me.

The PRESIDENT pro tempore. Without objection, the votes whereby the amendments were agreed to will be reconsidered, and they will be passed over for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 13, line 10, before the word "hundred," to strike out "one" and insert "two"; and in line 12, before the word "hundred," to strike out "seven" and insert "six," so as to make the clause read:

For compensation to watchmen, messengers, and laborers, 200, at $840 each; 700, at $720 each; and 600, at $600 each; in all, $1,008,000. And the appointment and assignment of watchmen, messengers, and laborers hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

The amendment was agreed to.

The next amendment was, on page 14, line 4, before the word "hundred," to strike out "three" and insert "eight," and in the same line, before the word "thousand," to insert "and fifty," so as to make the clause read:

For temporary and auxiliary clerk hire at first and second class post offices and temporary and auxiliary clerk hire at summer and winter resort post offices, $850,000.

The amendment was agreed to.

The next amendment was, on page 14, after line 8, to strike out:

For allowance to third-class post offices to cover the cost of clerical services in offices where the salaries of the postmasters range from $1,000 to $1,500, $580,000: *Provided*, That no allowance in excess of $200 shall be made where the salary of the postmaster is $1,000, $1,100, or $1,200; nor in excess of $300 where the salary of the postmaster is $1,300, $1,400, or $1,500.

For allowance to third-class post offices to cover the cost of clerical services in offices where the salaries of the postmasters range from $1,600 to $1,900, $750,000: *Provided*, That no allowance in excess of $400 shall be made where the salary of the postmaster is $1,600 or $1,700, nor in excess of $500 where the salary of the postmaster is $1,800 or $1,900.

And in lieu thereof to insert:

For allowances to third-class post offices to cover the cost of clerical services, $1,725,000: *Provided*, That no allowance in excess of $300 shall be made where the salary of the postmaster is $1,000, $1,100, or $1,200; nor in excess of $400 where the salary of the postmaster is $1,300, $1,400, or $1,500; and that no allowance in excess of $500 shall be made where the salary of the postmaster is $1,600 or $1,700; nor in excess of $800 where the salary of the postmaster is $1,800 or $1,900: *And provided further*, That the Postmaster General may, in the disbursement of this appropriation, expend not exceeding $400,000 for the employment, at a maximum salary of $600 per annum, of assistant postmasters at post offices of the third class where the salary of the postmaster is $1,800 or $1,900 per annum.

The amendment was agreed to.

The next amendment was, on page 16, line 5, before the word "thousand," to strike out "five hundred" and insert "six hundred," so as to read:

For rent, light, and fuel for first, second, and third class post offices, $4,600,000.

The amendment was agreed to.

The next amendment was, on page 17, after line 4, to insert:

For additional labor-saving mechanical devices necessary for the economical handling and distribution of the mail matter in the post office at Chicago, $12,000 to be immediately available.

The amendment was agreed to.

Mr. BACON. Mr. President, may I recur to an amendment adopted a few moments ago to ask a question? My attention was diverted at the time. I am asking this not to criticize, but for information. On page 22 of the "information print" of the bill, where there is a provision for an appropriation of $1,725,000, I want to inquire of the Senator from Oregon whether that takes the place of anything else or whether it is a new item altogether?

Mr. BOURNE. One what page?

Mr. BACON. It is on page 22 of the "information print." It is an amendment which covers that entire page.

The question I wish to ask the Senator is whether that appropriation of $1,725,000 is an appropriation originally provided for in some other part of the bill and transferred to this part of the bill, or is it an additional amount?

Mr. BOURNE. The appropriation contained in the italicized portion of the bill on page 22 of the "information print," between line 5 and line 24, and lines 1 and 2, is the combination of paragraphs 50 and 51, on page 21.

Mr. BACON. That is, it is not really an addition, but is simply putting the matter in another shape?

Mr. BOURNE. It is perfecting it and putting it in better shape, in the opinion of the committee.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 17, after line 8, to insert:

The Postmaster General is hereby authorized to pay, in his discretion, rewards to postal employees whose inventions are adopted for use in the postal service, and for that purpose the sum of $10,000 is hereby appropriated: *Provided*, That not to exceed $1,000 shall be paid for one invention.

Mr. GRONNA. Mr. President, I hope the Senator in charge of the bill will let that amendment go over.

Mr. BOURNE. With great pleasure, if the Senator so requests.

Mr. GRONNA. I refer to the amendment on page 17, from lines 9 to 14, inclusive.

The PRESIDENT pro tempore. Without objection, the amendment will be passed over.

Mr. CLAPP. If the Senator from Oregon will pardon me, I want to suggest that there may be some legislation—I do not know how far it is advanced—pending before the Committee on Patents which would render adoption of this amendment unnecessary. I repeat, I am not certain as to the extent of the progress of the proposed legislation.

Mr. BOURNE. I will say to the Senator that if that legislation is in such a stage that this amendment should be unnecessary, I should be very glad to have it go out; and if it is not, the committee is of the opinion that it should certainly remain in the bill.

Mr. CLAPP. I did not know that the Senator was aware of that legislation.

The PRESIDENT pro tempore. The amendment will be passed over for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 17, line 16, after the word "pay," to insert "and for services in excess of eight hours"; in line 17, before the words "per cent," to strike out "seventy-five" and insert "fifty"; in line 19, before the words "per cent," to strike out "seventy-five" and insert "fifty"; and in line 23, before the word "dollars," to strike out "eight hundred and two thousand one hundred and seventy-five" and insert "seven hundred and forty thousand," so as to make the clause read:

For pay of letter carriers at offices already established, including substitutes for letter carriers absent without pay, and for services in excess of eight hours, and for the promotion of 50 per cent of the letter carriers in first-class post offices from the fifth to the sixth grade and for the promotion of 50 per cent of the letter carriers in second-class offices from the fourth to the fifth grade; City Delivery Service, $32,740,000.

Mr. BRISTOW. Since a similar amendment on page 11 went over, I think that amendment on page 17, and also the one beginning in line 4, on page 18, ought to go over, as they both relate to the same matter.

Mr. BOURNE. I will say that I shall be very glad to have them go over.

The PRESIDENT pro tempore. The amendments will be passed over.

Mr. BOURNE. The amendments relate to the eight-hour service.

Mr. BRISTOW. Yes.

Mr. BOURNE. And to the provisions in regard to the promotion of letter carriers.

Mr. BRISTOW. The language in line 17, on page 17, refers to the eight-hour service.

Mr. BOURNE. Yes; but there are two or three other amendments in the section.

Mr. POMERENE. I ask that the amendment regarding promotions of letter carriers go over.

The PRESIDENT pro tempore. Without objection, the amendment will be passed over.

The next amendment was, on page 18, line 1, after the word "million," to strike out "one" and insert "six," so as to make the clause read:

For pay of substitutes for letter carriers absent with pay, and of auxiliary and temporary letter carriers at offices where city delivery is already established, $1,600,000.

The amendment was agreed to.

The next amendment was, on page 18, line 4, after the words "letter carriers," to insert "and for services in excess of eight hours," so as to make the clause read:

For pay of letter carriers, substitute and auxiliary letter carriers, and for services in excess of eight hours at offices where City Delivery Service is established, during the year, $50,000.

The PRESIDENT pro tempore. The amendment will be passed over.

The next amendment was, on page 18, line 7, before the word "thousand," to strike out "twenty-five" and insert "seventy-five," so as to make the clause read:

For horse-hire allowance and the rental of vehicles, $975,000.

The amendment was agreed to.

The next amendment was, on page 18, line 9, before the word "thousand," to strike out "four hundred and seventy-five" and insert "five hundred," so as to make the clause read:

For car fare and bicycle allowance, $500,000.

The amendment was agreed to.

The next amendment was, on page 18, line 17, after the word "purchase," to insert "and exchange," and in line 18, before the word "maps," to insert "for the purchase of," so as to make the clause read:

For incidental expenses of the City Delivery Service, including freight and drayage on equipment, furniture, and supplies, and erecting, painting, and repairing letter and package boxes and posts, repairing clocks and other equipment, and for the purchase and exchange of time recorders and for the purchase of maps, $35,000.

The amendment was agreed to.

The next amendment was, on page 18, line 22, before the word "thousand," to strike out "five hundred and fifty" and insert "six hundred," so as to make the clause read:

For fees to special-delivery messengers, $1,600,000.

The amendment was agreed to.

The reading was continued to the end of line 6 on page 19.

Mr. CLAPP. I desire to ask the Senator whether he is familiar enough with the history of this matter to know whether this proviso was in former bills or was inserted in the bill by the House:

That the proviso at the end of section 233 of the Postal Laws and Regulations be, and the same is hereby, amended so as to read as follows:

"*Provided, however*, That this provision shall not apply to the city of Cambridge, Mass., or to Towson, Md., or to Clayton, St. Louis County, Mo."

Mr. LODGE. It is all explained in this statement here.

Mr. BOURNE. I will say for the information of the Senator from Minnesota [Mr. CLAPP]——

Mr. CLAPP. It is not explained in the copy of the bill I have.

Mr. LODGE. The Senator has not the "information print,"

Mr. CLAPP. I have the calendar print.

Mr. ROOT. Get the "informatiion print."

Mr. LODGE. Give the Senator an "information print."

Mr. BOURNE. For the information of the Senator from Minnesota I will say——

Mr. CLAPP. I am asking for information, if the Senator knows, whether this was existing law before the bill passed the House or whether it was put into the bill in the House. I do not desire to make any point. I am simply asking for information.

Mr. BOURNE. If the Senator will permit me, I will try to the best of my ability to give him the information.

Every county seat must have a regular post office. Now, heretofore, Cambridge, Mass., preferred to have Boston its regular post office. Towson prefers to have Baltimore as her

regular post office. The House has provided that Clayton, in St. Louis County, may have St. Louis as its regular post office, and these others simply become substations.

Mr. CLAPP. That is not the point at all. I am not objecting to the legislation, but I desire to know whether the chairman knows if this has been in former bills or if it was put in the bill for the first time in the House.

Mr. LODGE. If the Senator from Oregon will allow me, Cambridge being in my State, I will state that this has been carried in the post-office bills for some years. The amendment simply adds Clayton, Mo.

Mr. ROOT. That is stated in the explanation.

Mr. LODGE. The other two have been carried for years in this way because Cambridge has been for a good many years within the Boston metropolitan district.

Mr. CLAPP. Then Clayton was added in the House?

Mr. LODGE. Clayton, Mo., was added, and it is taken up at St. Louis.

Mr. CLAPP. That is what I desired to know.

The reading of the bill was resumed.

The next amendment was, under the subhead "Office of the Second Assistant Postmaster General," on page 19, line 17, before the word "dollars," to strike out "fifty thousand" and insert "fifty-three thousand seven hundred," so as to make the clause read:

For inland transportation by steamboat or other power-boat routes, $853,700.

The amendment was agreed to.

The next amendment was on page 19, line 19, before the word "dollars," to strike out "fifty thousand" and insert "eighty-one thousand nine hundred," so as to make the clause read:

For mail messenger service, $1,681,900.

The amendment was agreed to.

The next amendment was, on page 19, line 22, after the word "dollars," to insert:

Provided, That a commission consisting of two members of the Committee on Post Offices and Post Roads, United States Senate, and two members of the Committee on the Post Office and Post Roads, House of Representatives, to be appointed by the chairmen of the respective committees, and the Second Assistant Postmaster General, is hereby authorized to investigate the feasibility and desirability of the Government purchasing and operating the equipment for pneumatic-tube service in the cities in which such service is now installed, together with rights to operate and extend equipment in such cities and elsewhere, and to ascertain the cost at which such purchase may be made. The employment of expert and other assistance is authorized, and the expense of such and of the inquiry shall be paid from the appropriation for service by pneumatic tubes, and said commission shall make a report, with recommendations, to Congress at the earliest practicable date.

The amendment was agreed to.

The next amendment was, on page 20, line 19, before the word "thousand," to strike out "seventy-five" and insert "eighty-two," so as to make the clause read:

For mail bags, metal for mail-bag attachments, cord fasteners, label cases, and material necessary for manufacture and repairing of equipment, and for incidental expenses pertaining thereto, $282,000.

The amendment was agreed to.

The next amendment was, on page 21, line 7, before the word "thousand," to insert "and two," so as to make the clause read:

For compensation to labor employed in the mail-bag repair shop at Washington, D. C., and Chicago, Ill., $102,000.

The amendment was agreed to.

The next amendment was, on page 21, line 21, after the words "railroad routes," to strike out "$47,646,000" and insert "$50,036,000."

The amendment was agreed to.

The next amendment was, on page 21, line 22, after the amendment just agreed to, to insert:

Provided, That all second-class mail shall have the benefit of the same facilities and shall receive the same treatment, without discrimination against any portion thereof, in respect to speed of transportation, the purpose being to reestablish the system in vogue prior to the establishment of the blue-tag system: *Provided further*, That the transportation of second-class matter in fast freight trains and the manner of handling incident thereto shall be discontinued after August 31, 1912, and thereafter shall be carried in the regular mail trains, and the Postmaster General is authorized to readjust the compensation from September 1, 1912, for the remainder of the term for which adjustments have been made on the railroad routes affected, upon a weighing of the mails as provided by law.

Mr. BACON. Is this a new provision of law?

Mr. BOURNE. This is a provision put into the bill for the purpose of putting all second-class matter under the same service. It is to reestablish conditions existing prior to what is known as the blue-tag service, whereby part of the magazines and periodicals are sent by freight and part by fast mail. It was the opinion of the committee, in the discussion of this paragraph, that citizens paying the same price were entitled to the same service, and that it was a most dangerous power to give to any member of the Government the right to discriminate as between individual or between classifications provided by law when the payments were the same.

It will cost the Government probably nearly $3,000,000 to reinstate conditions existing prior to the initiation of the blue-tag system. The committee felt that the department in their efforts toward economy were to be commended, but that it could not defend the judgment of the department in initiating or attempting to initiate discrimination between individuals making the same payment; it thought they were entitled to the same service.

The purpose of this amendment of the committee is simply to bring about those conditions by which citizens paying the same price shall receive the same service.

Mr. POMERENE. What was the discriminations to which the Senator refers?

Mr. BOURNE. It was that part of the second-class matter, the payment to the Government being the same in all instances, a cent per pound, was autocratically by the Post Office Department sent without the consent of the publisher by freight, and another large portion going by fast mail.

There were a series of hearings held before the committee; a number of individuals were heard who were affected by this system, and it was demonstrated clearly to the satisfaction of the committee that great delays occur. It was also demonstrated that it was impossible for any individual to make a classification that would be just.

We had before the committee illustrations of periodicals that, in the opinion of the committee, carried relatively the same matter, of the same importance, where part was sent by freight and part was sent by fast mail. It was to correct that that this amendment of the committee was submitted to the Senate.

Mr. LA FOLLETTE. I want to inquire of the chairman of the committee whether the mail that was sent by freight was sent without the consent of the publishers?

Mr. BOURNE. According to my recollection of the hearings, I will state that in a number of instances it was. In some instances I think it was assented to.

Mr. SMITH of Georgia. Would not this, perhaps, more aptly express it: The department required quite a large class of this mail to go by blue tag, by freight; a number protested; some obeyed the order of the department without serious protest?

Mr. BOURNE. Yes.

Mr. SMITH of Georgia. It could hardly be said that the actual consent had been obtained from any considerable portion of the periodicals that were sent by freight. We had a very aggressive protest on the part of some magazines that were being sent by blue tag, by freight, and we had also before us at our committee meeting publications that seemed to be exactly of the same character, some of which, under the classification of the department, required to go by freight, while others were allowed to go by fast mail, the compensation to the Government being exactly the same in each case.

The real trouble about this second-class mail matter is that it all goes too cheaply. It goes at a very great loss to the Government, and the effort by the Post Office Department was to try to save some of this loss, and it seemed it could be sent by freight at about half the cost that it was to the Government when sent by fast mail.

Mr. POMERENE. If I may inquire, what was the purpose of the department in not sending it all by freight and thus avoiding any discrimination between publishers, for instance, if such was the case?

Mr. SMITH of Georgia. I think the department undertook to classify the publications by the rule of news, the theory of the department being that such magazines as did not carry news were not in a position where it was especially important to them to have a delivery with such great promptness; and, so far as I could gather, the department sought to say that those publications which were especially dependent upon the news and to which it was especially important that prompt delivery should be made, should be put into the mail service, and that those which seemed to be in a condition where it was not essential that they should have very prompt delivery, and where two or three days' difference in five or six hundred miles or a thousand miles carriage, in the opinion of the department, would amount to little, they classified for freight.

But I did not mean to take the Senator from Oregon off his feet. I was just going to make a single suggestion.

Mr. PAGE. May I inquire of the chairman of the committee about what the difference in time is in the transportation of this matter, say, from New York to Chicago via freight and via mail?

Mr. BOURNE. I will say to the Senator from Vermont that there was a case before the committee where an apparent delay of nine days in delivery occurred, due to sending it by freight

instead of by the regular mail. There were some instances, but I can not state the specific instances now; but, as I remember, the case I cited was one of the extreme cases.

Mr. PAGE. I was not asking for extreme cases, but, rather, what the general rule of delivery was as between these two means of transportation.

Mr. BOURNE. I do not think they had sufficient data to enable them to give very reliable information on that. The committee took the broad viewpoint, the basic viewpoint, that citizens making the same payment for service were entitled to equal service.

Mr. PAGE. I suppose the change was made in order to make a saving in the expense of transportation. How much was saved per annum because of this change?

Mr. BOURNE. It was the opinion of the department that in a year's operation and its general adoption the Government would save, as I remember, about two and one-half million dollars.

Mr. SWANSON. Mr. President, it seems to me that in this amendment under consideration the committee, in trying to remedy an evil, goes too far. The amendment compels magazines published once a month to be sent through the mails with the same speed, the same facilities, that a daily paper is afforded, and it makes it imperative upon the department to put a monthly magazine, for which a week or 10 days would be ample time for it to reach its destination, on the same fast trains, with the same facilities, and the same method of distribution given a newspaper.

It seems to me that is going too far. I think that that should not be compulsory on the department. A daily paper is worth nothing unless it reaches its destination the same day or the day after it is published. A magazine may come a week afterwards. The proviso on page 21 reads:

> That all second-class mail shall have the benefit of the same facilities and shall receive the same treatment, without discrimination against any portion thereof, in respect to speed of transportation, the purpose being to reestablish the system in vogue prior to the establishment of the blue-tag system.

Now, unless the purpose is to give a magazine the same speed, the same rapidity, in delivery to its subscribers that a daily paper has, that proviso is unnecessary. The provision following gets rid of the blue-tag system, which makes a discrimination between magazines, shipping one magazine by freight and another magazine by the mail. It would seem to me that if what I have read was eliminated and if the Post Office Department was not compelled, as it would be by that provision, to see that a magazine, when it is put in the mail, shall go as quickly and shall as promptly reach its destination as does a newspaper, and if the other clause is retained, the trouble that is complained of would be gotten rid of:

> That the transportation of second-class matter in fast freight trains and the manner of handling incident thereto shall be discontinued after August 31, 1912, and thereafter shall be carried in the regular mail trains.

That is the provision which gets rid of the trouble complained of. That provision is ample to accomplish that purpose, and it does not seem to me necessary, in order to get rid of an evil that exists, that we should here compel a magazine to go on the same fast train, to be carried as promptly, and delivered as promptly, as is the case with a daily paper.

Again, it seems to me the committee should not make it compulsory to send all magazines in the mail, when frequently the publishers are willing to have them sent on freight trains. I think it would be sufficient to provide that magazines should be so sent when desired by those offering the second-class matter. It costs about five or six times as much to handle them through the mails as it does on freight trains.

Mr. SMITH of Georgia. Twice as much.

Mr. SWANSON. More than twice as much.

Mr. SMITH of Georgia. The evidence before us in the case is that it costs us about twice as much on the fast mail as it does on the freight, but it costs about three to four times as much even on the freight as the Government charges for it.

Mr. SWANSON. It seems to me a provision permitting it to be done, if the magazine publishers are willing for it to go by freight, would be sufficient. Why should we have a provision compelling the department to send it by mail when it costs twice as much?

Mr. BOURNE. Will the Senator permit me?

Mr. SWANSON. Yes.

Mr. BOURNE. Can the Senator imagine any publisher of his own volition preferring that his publication should go by freight when it could go by fast mail at the same price?

Mr. SWANSON. The department says there are a great many people who are willing for their publications to go by freight, because there is a clamor in this country on account of the loss entailed by the Government on second-class mail matter, and some persons are willing, in order to get rid of that clamor, to have their publications sent by freight. But I think the option should be put there to send it by freight if desired, and not compel the department to send it by mail at twice the cost. What is the objection to putting in the option?

Mr. BOURNE. Will the Senator allow me again?

Mr. SWANSON. I will, with pleasure.

Mr. BOURNE. If your contention is correct, the Government would be put to the expense of maintaining a freight service as well as a fast-mail service in order to take care of those individuals who were willing to take a slower service, although they paid for and were entitled to the faster service.

Mr. SWANSON. The Government would not be put to any expense for the freight trains, except to pay the railroads for shipping it. The department could require the patron to express a preference, and if he expressed a preference for the mail, the magazines could go by mail. But I do not see why you should compel the department to send it by mail when some of the patrons are willing to have it sent by freight.

Mr. BOURNE. Would not the two services have to be established? Would not the department be obliged to make arrangements with the transportation companies by which they would have fast-mail facilities and freight facilities?

Mr. SWANSON. It would have its fast-mail facilities, and then if you have a number of carloads to go by freight, it would be shipped like any other freight is shipped. The service could be easily obtained and easily provided.

Mr. BOURNE. Then the Senator's idea is that it would come in like so many bags of potatoes or wheat or any commodity of that kind?

Mr. SWANSON. It would come in precisely the same as all freight comes in, except that it would be better taken care of.

Mr. BOURNE. But special arrangements would have to be made for the two services to be maintained.

Mr. SWANSON. One has to make arrangements for a carload of anything that I ever heard of that is to go by freight.

Mr. BOURNE. Yes.

Mr. SWANSON. I have never yet known anybody to go to the depot and wait for a fast train to ship a carload of anything.

Mr. BOURNE. But in the case of the Government there is an activity continuing over the whole of the year.

Mr. SWANSON. Whenever a publisher expresses a desire or willingness to have his publications go through by freight for that year—in a case, for instance, where he publishes two weeks ahead of the time of issuance—why should the department be prohibited from doing it?

It seems that a great many publishers have been cooperating with the department to save the loss entailed by second-class mail matter. I think the Government should not be permitted to discriminate and send some by freight and some by mail; but if some publishers are willing to send their matter by freight in order to save the Government, and to that extent allay the clamor because of the great loss entailed on the Government by second-class matter, I do not see why it should not be left optional with them to do so. Let the option extend both to the Government and to the publisher. It seems to me there is an opportunity to broaden this.

Mr. SMITH of Georgia. Then, is not the way to work out the option to modify it to this extent—to permit the continuation in one sense of the blue-tag freight, and put the price at 2 cents for similar publications going by the fast mail, and then let them have the option? If you give an option to a person without a difference of price, will not everybody take the best?

My own suggestion did not meet with great favor in the committee, and, indeed, it did not seem to meet with special favor on the part of any of the publishers. It was that the publishers of these periodicals, not published like newspapers but published quarterly or monthly or less often than once a week, should have the option to have their publications either go on the fast mail or by the blue-tag service, and let the department continue with the blue-tag service at the very low charge of 1 cent and let the magazines go in the fast mail at 2 cents.

The fast mail costs the Government just twice as much—so the evidence indicated to us—and the proof before us tended to show that the fast-mail service is costing the Government on second-class matter about 7 cents where we charge 1, and that the blue-tag service costs about 3½ cents. That was the evidence submitted before the committee.

I was very much astonished at the figures, but that, I am sure the records will indicate, was the evidence furnished by the department to us. That would be a very simple solution of it, but I do not offer it as an amendment, because I have never found anybody who was willing to vote with me for it.

Mr. SWANSON. I am going to offer this amendment, because the department thinks most of these publishers would ultimately be satisfied by the freight system and especially as there has been an agitation in the country to increase the rate on second-class matter. On page 22, at the end of line 7, after the words "mail trains," I move to insert the words "when desired by those offering the same."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 22, line 7, after the words "mail trains," at the end of the line, insert "when desired by those offering the same," so as to make the proviso read:

Provided further, That the transportation of second-class matter in fast freight trains and the manner of handling incident thereto shall be discontinued after August 31, 1912, and thereafter shall be carried in the regular mail trains, when desired by those offering the same, and the Postmaster General is authorized to readjust the compensation from September 1, 1912, for the remainder of the term for which adjustments have been made on the railroad routes affected, upon a weighing of the mails as provided by law.

Mr. SWANSON. That is second-class matter.

Mr. BRISTOW. Mr. President, I hope the Senator from Virginia will not insist upon an amendment of that kind. The truth is that there are none of the publishers who want their magazines to go by freight. There were a number who, rather than antagonize the department, consented to send them that way, but they did not want them to go that way, and if left to their choice none of them will go that way.

All who are familiar with the character of the fast-mail service and the importance of the service in the circulation of periodicals know that no publisher will want to put his magazines on a freight train when his competitors would send them by mail. It is an impracticable proposiiion. The Senator can not mention a single publisher who would ask to have his magazine go on a freight train when it could go on a mail train for the same price.

Mr. SWANSON. If that is true——

Mr. BRISTOW. If the Senator will suggest one we will communicate with him and find out.

Mr. SWANSON. If the Senator will permit me, if that is true the amendment can not cost the Government one cent. It is only to meet those cases where the department has said the publishers were satisfied, and the dissatisfaction represented about 10 per cent of the publishers. What I desire to do is to have the language so framed that if the department and a majority of these publishers are satisfied to carry the magazines by freight and make a saving to the Government they may do it. If it will work satisfactorily to the publishers they should be permitted to do it. No one will be compelled to do it unless he desires it. To go by freight would save the Government a large amount of money, and it would seem to me if some of the publishers can get their transportation equally as quick they would certainly be patriotic enough to let some of the publications go by freight and save the Government the vast sum of money which would be saved in this case.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. SWANSON. Certainly.

Mr. BACON. Does not the Senator think it might be more effectual if it appealed to the interest of these publishers rather than to their patriotism, by making it less expensive if sent by freight than if sent by mail, leaving it to the publishers to elect whether they will send by mail at the higher rate or by freight at the lower rate? I think the expectation indulged in by my learned friend from Virginia is on rather an unsubstantial basis.

Mr. SWANSON. I will make this remark. I understand that most of the publishers are willing to send by freight, because we have had an investigation of second-class mail matter, and the report shows that there is an immense loss to the Government in carrying it. There has been an agitation going on for years to increase the price of carrying this mail matter, and it has been suggested to meet the losses, which have amounted to a large sum of money, the Government should compel it to go by freight. If the Government could make an arrangement with the publishers who are satisfied to let it go by freight, it seems to me the Government should not conduct an expensive service when a great many would be willing to let their magazines go in this way. Magazines are published two weeks before they are issued. A magazine goes to Chicago. It would seem that if publishers could save the Government a large sum of money they would be perfectly willing to have their magazines go to Chicago and other cities for distribution by freight, if they could get there in ample time, rather than that they should be compelled to send them by mail.

Mr. BRISTOW. The Senator from Virginia is entirely mistaken when he thinks that any publisher would consent to have his magazine go by freight when his competitors in the same city were sending theirs by mail. There are no publishers who would ask for such a service. To hold this open and require the department to preserve two systems of transportation—one by freight with the relays and the wagon service and the expense necessarily incidental to that freight service, when nobody would use it—it seems to me would be a very unwarranted position for Congress to take.

I trust the amendment to the amendment will not prevail.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senate from Virginia to the amendment.

The amendment to the amendment was rejected.

Mr. SWANSON. I move to strike out the proviso that compels newspapers and magazines to have exactly the same speed of transportation. It would seem to me that that is a very dangerous requirement. It ends on page 22.

Mr. LODGE. The first proviso?

Mr. SWANSON. Yes; beginning on page 21.

Mr. LODGE. From line 23, on page 21, to line 3, page 22.

Mr. SWANSON. It reads:

Provided, That all second-class mail shall have the benefit of the same facilities and shall receive the same treatment, without discrimination against any portion thereof, in respect to speed of transportation, the purpose being to reestablish the system in vogue prior to the establishment of the blue-tag system.

Mr. BRISTOW. If the Senator from Virginia will allow me to make a suggestion——

Mr. SWANSON. I yield to the Senator from Kansas.

Mr. BRISTOW. I will inquire of the chairman of the committee if he sees any objection to striking out the words on page 22, lines 1 and 2, "in respect to speed of transportation." I see no objection to striking out those words. Will the chairman agree to striking them out?

Mr. BOURNE. I think there would be objection from an administrative standpoint. While the department itself was strongly opposed to the insertion and adoption of the committee amendments, they believed in order to make it operative and administrative it was advisable to have the very language in that the Senator from Virginia objects to, without discrimination in speed of transportation. The object sought to be obtained by the committee was to restore the conditions existing as far as applicable to second-class mail matter prior to the initiation of the effort on the part of the department to inaugurate economy, and to put things back exactly in the same condition as they were prior to the initiation of the blue-tag system. That is the purpose of the committee amendment. The provision preventing speed discrimination was put in at the suggestion of the department to make it more administrative, although I want it distinctly understood that the department's position was opposed to the amendment as a whole.

Mr. SWANSON. Mr. President, the trouble complained of was that in the shipment of magazines under the blue-tag system some magazines were being sent by freight and others through the mails. That is the evil which was sought to be remedied. That is remedied by the second provision completely, absolutely, and entirely. Then, to remedy that evil, they go further and deprive the department of any discrimination whatsoever in the speed of second-class matter.

What does second-class matter consist of? Daily papers and magazines and all other matter like that. Some magazines are published three or four times a year, while the daily paper must reach its readers the day of its publication.

I think the proviso is a mistake. I do not think the department ought to be prohibited from trying to give rapidity in transportation to the daily papers. It would seem to me that that amendment ought to be eliminated to the extent that it does that. It does not restore former conditions. It puts on new conditions. It does not restore the law as it was before this time. It proposes to say to the department, you can not exercise any discretion in giving quicker transportation and quicker delivery to the daily mail over monthly magazines. It seems to me that is not wise; that it is not a correct administration of the Post Office Department.

All that is desired to be accomplished, which is right, which is proper and just, is that one magazine should not be sent by freight and another through the mails, magazines of the same character and kind, and it is simply an imperious, capricious discrimination on the part of the Post Office Department. That is wrong. That power ought not to be given it. It is taken away by the second provision. Then to come in and say that we will change the law and that a power heretofore exercised to give quickness of delivery in transportation to daily papers shall be prohibited does not seem to me to be wise and proper.

Mr. SMITH of Georgia. Mr. President, there is another difference between the daily paper and magazine that I think ought

to be considered by the Senate. The evidence before us indicated that the average haul of the daily newspaper was about 50 miles while the average haul of the magazine was something like 600 miles. So considering the two elements of expense, the handling being one and the haul being one, the handling expense might be approximately the same for each but the haul expense was about 10 times as great on the average for the magazine as for daily newspaper.

So if we were discriminating in our rates between the magazine and the daily newspaper we would be justified in it by reason of the fact that the average cost of the haul of a magazine is more than 1 cent a pound in excess of the average cost of a newspaper.

It might be possible to work out a difference in charge based upon the distance of the haul, and we might provide that all second-class matter should go by fast freight at 1 cent where the parties so desired, and that any second-class mail going more than 100 miles, if it elected to go by fast mail train, should pay 2 cents. I do not very much expect any discrimination in the price, but I simply wanted to state the result of my study of the subject.

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

Mr. SWANSON. I will move to strike out, on page 22, the words "in respect to speed of transportation."

The SECRETARY. On page 22, lines 1 and 2, strike out the words "in respect to speed of transportation."

Mr. SWANSON. I should like to say, further, that there are some trains run to carry first-class matter and daily papers to the place of destination, and to say that they, when crowded, must be filled up with magazines two weeks before they are issued and delay the carriage of the first-class mail and the daily papers would be an inconvenience. That is what the proviso would compel the department to do with that provision in it.

Mr. BOURNE. I should like to ask the Senator from Virginia if he does not realize that if his amendment prevails he then forces the department by a law so that there can be absolutely no discrimination in any way, shape, or form as between different classes of second-class mail. The only limitation that is placed in this bill is on the speed of transportation. It was put in purposely so as to enable the department to administer under the enactment. It is a qualification instead of an injustice. It assists the department in its administrative operation. Instead of militating against it, it is for the benefit of the department, if the rest of the provision is adopted.

Mr. SWANSON. I would think the entire provision ought to go out and the law remain as it was before. There was no complaint in that respect. It is simply an addition to the law.

Mr. BOURNE. The purpose is to put conditions back exactly as they were before.

Mr. SWANSON. I move to strike out the first proviso. The second proviso lets the law remain as it was.

The PRESIDENT pro tempore. The Senator from Virginia modifies his amendment to the amendment. It will be stated.

The SECRETARY. On page 21, line 23, after the word "dollars," strike out the following proviso:

Provided, That all second-class mail shall have the benefit of the same facilities and shall receive the same treatment, without discrimination against any portion thereof, in respect to speed of transportation, the purpose being to reestablish the system in vogue prior to the establishment of the blue-tag system.

Mr. BOURNE. Mr. President, in my opinion, if the amendment offered by the Senator from Virginia prevails you simply restore the blue-tag system. The proviso that he asks to have stricken out is what eliminates the blue-tag system and requires that second-class mail matter paying the same price shall receive the same treatment, especially as far as the speed of transportation is concerned, which has been the chief objection on the part of the individuals who have felt that they have been discriminated against.

Mr. LODGE. Will the Senator allow me? How is it possible that the old system can be reestablished if the second proviso is adopted? I do not see how it can possibly be done. The second proviso reads:

That the transportation of second-class matter in fast-freight trains and the manner of handling incident thereto shall be discontinued after August 31, 1912, and thereafter shall be carried in the regular mail trains, etc.

That prevents the reestablishment of the blue-tag system. It can not possibly be done.

Mr. SWANSON. I should like to ask the Senator who has charge of the bill, if the provision which I ask to have stricken out prevents the blue-tag system, what is the necessity for the second provision? The second provision is the one that cures the ills that we tried to cure. That is the one which restores the law as it formerly existed. The first provision puts additional restrictions on the department and would compel them, as I said, to treat the daily papers precisely as they treat a monthly magazine. That will accomplish the purpose the Senator has in view, because they must all go with the same speed, the same methods of distribution, the same quick handling in the Post Office Department, the same quickness in getting them in the mail; but if the first provision goes out, it remains as it was before, and the second provision prevents the shipment by freight cars and destroys the blue-tag system entirely.

Mr. HITCHCOCK. Mr. President, I should like to ask the chairman of the committee whether he has considered this proposition? The Senator from Georgia [Mr. SMITH] has called attention to the fact that the magazines in many cases receive an entirely different service from the service that the newspapers receive; that is, they send their magazines clear across the continent, whereas newspapers travel a comparatively short distance; they are delivered, as a rule, within a few hours from the time they leave the press. Now, I should like to ask the chairman whether he could not accept an amendment to this effect, so that the paragraph would read as follows:

Provided, That all second-class mail shall have the benefit of the same facilities and shall receive the same treatment, without discrimination against any portion thereof, in respect to speed of transportation for all distances less than 300 miles.

That would still enable the department to put upon freight trains those magazines published at wide periods of time, say a month, and send those magazines for which there is no great hurry by freight, but the newspapers, which the subscribers must receive immediately in order to be of any value, would have the protection of the 300-mile provision, and so would other publications, magazines as well. Magazines would have the same right within 300 miles, where they get the same service that the newspapers would. I suggest that as a compromise of this difference.

Mr. BOURNE. Mr. President, if I understand the proposition of the Senator from Nebraska, to my mind it would centralize a power of discrimination in the hands of one individual that would be most dangerous. The right autocratically to designate which portion of second-class matter should go by freight and which should go by fast mail I think would be too great a power to give any individual. I think the only remedy is that suggested by the Senator from Georgia—if you have two services, have two different charges and allow the citizen to elect which service he will take. All citizens are entitled to the same service where they make the same payment.

Mr. HITCHCOCK. I call the Senator's attention to the fact that is in a way an adaptation of the zone system which he himself proposes; that within 300 miles all shall have equal facilities as to speed, because within 300 miles speed is the essential object and it is necessary to get to the people immediately; but where a distance of 1,500 or 2,000 miles is covered the speed element cuts very little figure.

Mr. BOURNE. As between competitors the speed element is vital. If a large amount of advertising is carried, and one periodical can reach the coast a week or ten days sooner than another, the latter would be absolutely put out of business.

Mr. HITCHCOCK. It would not under this amendment, for all would be treated alike.

Mr. SMITH of Georgia. The purpose was to have all over 300 miles go by freight.

Mr. BOURNE. All magazines and periodicals and newspapers as well? I did not so understand the Senator.

Mr. HITCHCOCK. Anything going over 300 miles, say, as a fair limit——

Mr. BOURNE. That is, all second-class mail matter.

Mr. HITCHCOCK. Might be subjected to slower transportation, but those customers—and you have got to think of the customers—who live within 300 miles of the point of distribution should not be subject to having that distribution delayed, but the delay when you have only some three or four hundred miles is an inconsequential matter. I suggest that within the zone system idea, for which the Senator from Oregon is now famous, we can stipulate that all facilities shall be equal within the 300 miles, and that after that point is exceeded and the service becomes greater another arrangement and perhaps a cheaper one can be devised.

Mr. BRYAN. Mr. President——

Mr. BOURNE. If the Senator will pardon me just a moment, I think the suggestion of the Senator from Nebraska is a good one for future consideration, but for immediate action I would not want, so far as I am concerned, to say that it presents itself strongly to my mind except for study. I can not tell how it would work out.

Mr. HITCHCOCK. It is also another adaptation of the very familiar provision of the present law that weekly newspapers are charged no postage for distribution within the county of publication, it being figured that the county is the natural field of activity of the paper and distribution there involves no transportation.

Mr. BRYAN. Mr. President, I want to ask the Senator from Nebraska if, under his amendment, the same discrimination would not be permissible after the matter went beyond the 300-mile limit; that is to say, would not it be within the power of the Post Office Department to do the identical thing they are now doing, except that now distance is not considered? One thing or the other ought to be done—either require all matter to go by freight or else go by mail, even beyond the 300-mile limit.

Mr. SMITH of Georgia. If Senators will allow me to make a suggestion just there: We can guard against that by providing that all second-class mail which goes a greater distance than 300 miles shall, if it goes by fast mail, pay 2 cents instead of 1, but that it can stay under the blue tag and the freight system if the 1-cent rate is desired.

Mr. BRYAN. Is the Senator from Georgia sure that that would take care of the daily papers?

Mr. SMITH of Georgia. I think it would take care, at least, of the bulk of them.

Mr. BRISTOW. Mr. President, I should like to inquire of the Senator from Georgia how he would determine what goes beyond the 300-mile limit? Take a newspaper that has, we will say, 2,500 subscribers. There will probably be four or five hundred of those subscribers at all kinds of distances, and you would have to segregate the distance each paper goes, and that is something which may change every day. Some will stop and others will go on; so that it appears to me it is practically an impossibility.

Mr. SMITH of Georgia. I will answer the Senator with ease. The newspaper would classify its subscribers under two heads—those living less than 300 miles away and those living over 300 miles away—and would pay 2 cents on those papers sent over 300 miles and 1 cent on those sent under that limit. It would be less trouble to do that than to classify by cities and by mail routes. There would be no trouble, I think, in making the classification.

Mr. MARTINE of New Jersey. Mr. President, it seems to me that the amendment suggested would be a restoration in part of the blue-tag system, a system which was most unpopular among those who appeared before the committee. I can not recall a single instance of a publisher suggesting anything which would savor of the blue-tag system. It was universally and generally condemned. I think it is safe to say that I have received 150 telegrams and 100 letters from publishers of various magazines and kindred periodicals protesting against the very thought of a blue-tag system. The man who lives 301 miles from the publisher's office is just as anxious for his publication as the man who lives 200 miles away. To my mind the proposition would be disastrous to the publisher whose paper or periodical circulated beyond the 300-mile zone, and I do not think a more unpopular measure could be advanced. It was thrashed over quite thoroughly before the committee, and I can not recall, nor do I think the Senator from Georgia or the Senator from Virginia can recall, a single publisher who acquiesced in any suggestion along that line. I should vote against any proposition of that kind.

Mr. SMITH of Georgia. Mr. President, I did not insist that it was popular. Why should it be popular? There is absolutely nothing to recommend the retention of the blue-tag system or the increase of a rate except saving the Government perhaps three or four million dollars, and why should a proposition of that kind be popular? Of course it was not popular; but still we have got to watch matters of that sort, look after the Treasury a little, and provide for good business administration.

Mr. MARTINE of New Jersey. I quite agree with the Senator as to the matter of husbanding the public funds, but I believe there are other directions in which that might better be done without delaying the receipt of a publication by a man who lives 300 miles from the publisher.

The PRESIDENT pro tempore. The question is upon the amendment to the amendment submitted by the Senator from Virginia.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs upon the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 22, line 12, after the word "law," to strike out "*Provided*, That no part of this appropriation shall be paid for carrying mail over the bridges across the Mississippi River at St. Louis, Mo., over and above the regular rates for the transportation of the mail by railroad routes" and insert:

Provided further, That no part of this appropriation shall be paid for the special transfer and terminal service between the union station at East St. Louis, Ill., and the union station at St. Louis, Mo., including the use, lighting, and heating of mail building and the transfer service at St. Louis, over and above the regular rates for the transportation of the mail by railroad routes: *Provided further*, That section 3 of the act making appropriations for the service of the Post Office Department, approved March 1, 1899, authorizing the Postmaster General to pay from appropriations for transportation by railroad routes for the special transfer and terminal service between the union station at East St. Louis, Ill., and the union station at St. Louis, Mo., including the use, lighting, and heating of mail building and the transfer service at St. Louis, at the rate not exceeding $50,000 per annum, be, and the same is hereby, repealed: *Provided further*, That on account of the floods in the Mississippi Valley commencing about April 1, 1912, the Postmaster General, for the purpose of adjusting compensation on such railroad routes in the second section as were affected by the floods and the consequent diversion of mails, is hereby authorized and directed to take the weights of mails ascertained on such routes during the successive working days from February 15 to April 3, 1912, both inclusive, and for the remainder of the weighing period from April 4 to May 29, 1912, both inclusive, to estimate the weights by applying to the weights taken during the period from February 15 to April 3, 1912, both inclusive, the ratio shown to exist between the weights taken on all routes during the first 49 days of the quadrennial weighing period of 1908 and the weights taken on such routes during the last 56 days of the said weighing period, the actually ascertained weights and the estimated weights to form the basis for the average daily weight upon which to adjust the compensation according to law on such railroad routes for the transportation of mails during the quadrennial term beginning July 1, 1912, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average daily weight shall be ascertained by the weighing of the mails for such a number of successive working days, not less than 90, as the Postmaster General may direct.

Mr. CULLOM. I make the point of order that the amendment, beginning in line 23, on page 22, and running to line 8, on page 23, ending with the word "repealed," is general legislation.

Mr. BOURNE. Mr. President, the Senate committee having stricken out the proviso in the House bill, as set forth on page 22, from line 12 to the middle of line 16, I think the point of order raised by the Senator from Illinois does not apply. The Senate amendment is germane to the provision in the House bill; and the purpose is to make operative and to perfect the provision of the House bill.

Mr. CULLOM. Mr. President, the amendment contains a plain statement of fact. The provision absolutely repeals the existing statute.

Mr. SWANSON. Mr. President, I have no doubt the House provision would have been out of order if it had originally been offered in the Senate; but it came to the Senate as a part of a House bill, which we are now considering. The amendment is a Senate amendment to a House provision and is, I think, in order. The House provision was struck out, and this substitute is relative to the same subject matter, having the same purpose in view. To rule it out of order would be practically to rule the House provision itself out of order.

Mr. CULLOM. This provision stands by itself and repeals an existing statute.

The PRESIDENT pro tempore. The Chair recognizes the fact that the first proviso, commencing in line 22, on page 16, and going down to the end of line 22, is a substitute for the House provision. The second proviso enlarges the House provision, even going to the extent of repealing existing law. The Chair does not wish to decide the question himself and will submit it to the Senate. Is the amendment in order? [Putting the question.] The ayes have it, and the amendment is declared to be in order. The question is upon the amendment.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 24, line 16, before the word "available," to strike out "immediately," and in the same line, after the word "available," to insert "for deficiency for the fiscal year 1912," so as to make the clause read:

For pay of freight or expressage on postal cards, stamped envelopes, newspaper wrappers, and empty mail bags, $648,200, of which the sum of $123,200 shall be available for deficiency for the fiscal year 1912.

Mr. WARREN. Mr. President, I do not wish to stop the Secretary from reading the bill, but before the amendment is passed upon I desire to say a word.

The amendment which has just been read is an item of deficiency, and is so estimated for. It was evidently sought to be covered originally in the bill by inserting the clause "shall be immediately available." The appropriation was clearly for use in the fiscal year of 1912, and had the bill passed when first introduced probably the fact would not have developed that it was a deficiency; but the Senator in charge of the bill has very correctly changed the language, because "immediately available" is no longer applicable, the 1st of July having passed. The question is, whether this bill ought to carry deficiencies

which are estimated as deficiencies and which are included in the regular deficiency bill. I want to call the Senator's attention to that fact.

There are three items in the bill that are on all fours with this one. This is one of the three. We have had for years very stringent legislation to prevent, so far as possible, deficiencies, but they are necessary to some extent; we shall always have them; but in order to make it as plain as possible, and in order to conform to all our rules and practices, all department appropriation bills, no matter whether they are for the Army or the Navy or the Post Office or other branch of the public service, are sent to the Committee on Appropriations and are assembled in the appropriation bill providing for deficiencies.

The situation is this: The Senator from Oregon has included three matters here that are clearly deficiencies and which belong to a deficiency bill. One of these items is included in and has already passed the House in the deficiency bill. The others are before the Committee on Appropriations here, and should be added if we follow the estimates and the desires of the department as to deficiencies.

Now, while the House passed them before they became deficiencies as "immediately available," and it did not meet with opposition from the Committee on Appropriations there, I am wondering what position the conferees might be in if the question of jurisdiction should be raised over there on these matters which are straight deficiencies and so named.

Mr. BOURNE. They had jurisdiction when they passed the bill, and we cut it out because we thought they did not have the jurisdiction on account of the delay in consideration here.

As I understand, the Senator from Wyoming makes no criticism at all on the amount or on the item. It is simply the question whether they should go into the Post Office appropriation bill or the general deficiency bill.

Mr. WARREN. I am not questioning the items, because they are properly estimated for; but they are estimated for as deficiencies of that year, and I do not know how they came to be put in the regular annual supply bill in the first place. They should not have gone in there, because they were estimated for as deficiencies as far back as last February.

Mr. BOURNE. I can not answer the Senator. They went in in the House.

Mr. WARREN. I am not blaming the committee, and surely not the Senator in charge of the bill. I am calling his attention to what may be a vexatious question hereafter. We certainly have got one of these items in both bills.

On the other hand, I want to contend now that the Committee on Appropriations should not yield jurisdiction of deficiencies to any other committee. Personally, if other members of the committee do not object, I do not know that I shall in this case, inasmuch as it came in the way it did, but I fear there will be difficulty in passing it at another place unless we shall include it in the regular deficiency bill, which will now shortly come into the Senate.

Mr. BOURNE. I suggest that the matter go to conference, and the conferees can confer with the House Members. They were not deficiencies when they came over or when they were passed by the House.

Mr. WARREN. They were in reality deficiencies, but they did not so name them. When they sent them over here, it was early in the session, and they put them in with the words "immediately available," but they are deficiencies, as estimated for as far back as February. The reason they were not put in the urgent deficiency bill, I will say to the Senator, was that it was a little late, but they would have been put in had we another deficiency bill before the end of the fiscal year. Whether the House Committee on Appropriations will object to their being incorporated in this bill, I am not able to say.

Mr. BOURNE. I am fully in accord with the views of the Senator from Wyoming. But the House bill, as I remember, passed May 2. This was not a deficiency then, because the fiscal year had not ended. But now it has to be put in this bill as a deficiency, although it went in as "immediately available" in the House bill.

Mr. OVERMAN. Why is it a deficiency if we passed a joint resolution continuing in effect all the appropriation acts that we had last year? How could it be a deficiency when the departments are operating under the old appropriation acts passed for the fiscal year 1912?

Mr. BOURNE. I will acknowledge that that is a difficult question for me to answer.

Mr. WARREN. If I may be permitted there, we have had very urgent calls from the department to pad out that sum, stating that they have furloughed the clerks at different places and furloughed the operatives just because of that restriction.

Mr. OVERMAN. I understand the Committee on Appropriations reported to the Senate a joint resolution to continue in effect for the month of July, 1912, all the appropriation acts of last year.

Now, how is it possible there could be a deficiency under that arrangement?

Mr. WARREN. It was before the 1st of July.

Mr. OVERMAN. Then, it properly belongs to the deficiency bill.

Mr. WARREN. I said it was before the 1st of July, and it is a deficiency, and does not pretend to be anything else.

Mr. BOURNE. In answer to the Senator's question, I want to say that the general continuing appropriation joint resolution is on the basis of one-twelfth of what the previous year's appropriations were.

Mr. OVERMAN. I understand.

Mr. WARREN. That would be insufficient, because the Government is at its greatest expense at the end of the fiscal year. I mean the appropriations are made for the full year upon the estimates, and the decisions of Congress relative to such matters——

Mr. OVERMAN. For July it would not be sufficient?

Mr. WARREN. No.

Mr. President, I do not wish to embarrass the bill in any manner. I am willing that the amendments shall be agreed to with the understanding——

Mr. BOURNE. That it will be taken care of in conference?

Mr. WARREN. Yes; and without making a precedent for the future. We shall undoubtedly pass the other bill, and it will have to be stricken from one of the bills.

Mr. BOURNE. I will be glad to strike it out——

Mr. WARREN. I will say to the Senator——

Mr. BOURNE. I concur absolutely in the policy——

The PRESIDENT pro tempore. The official reporter suggests that he is unable to hear this interesting dialogue.

Mr. BOURNE. I say I concur absolutely with the policy announced by the Senator from Wyoming, but I think this is rather sui generis in view of having come in in the House. I think it would be better to leave it in the bill, and I will say if it is provided for in the deficiency appropriation bill and this bill is still in conference I will be glad to strike out these items.

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

The amendment was agreed to.

The next amendment was, on page 24, line 20, before the word "thousand," to strike out "seven hundred and seven" and insert "nine hundred and fifteen," and in line 25, after the words "*Provided further*," to strike out "That after the 1st of July, 1917, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel, steel underframe, or equally indestructible material, and not less than 20 per cent of the new equipment shall be put into operation annually after July, 1912; and after the passage of this act no contract shall be entered into for the construction of steel underframe cars" and insert "That after the 1st of July, 1917, the Postmaster General shall not approve or allow to be used or pay for any full railway post-office car not constructed of steel or steel underframe or equally indestructible material, and not less than 25 per cent of the railway post-office cars of a railroad company not conforming to the provisions of this act shall be replaced with cars constructed of steel annually after June, 1913; and all cars accepted for this service and contracted for by the railroad companies after the passage of this act shall be constructed of steel: *Provided further*, That the Postmaster General is authorized to pay for full railway post-office cars necessarily used in service by the Post Office Department from July 1, 1911, to March 1, 1912, when in his judgment reasonable and proper effort was being made by railroad companies to comply with the provisions of the act of March 4, 1912, but on account of insufficient time the requisite work could not be completed on July 1, 1911," so as to make the clause read:

For railway post-office car service, $4,915,000: *Provided*, That no part of this amount shall be paid for the use of any car which is not sound in material and construction, and which is not equipped with sanitary drinking-water containers and toilet facilities, nor unless such car is regularly and thoroughly cleaned: *Provided further*, That after the 1st of July, 1917, etc.

The amendment was agreed to.

The next amendment was, on page 26, after line 4, to strike out "Railway Mail Service: For 14 division superintendents, at $3,000 each; 4 assistant superintendents, at $2,200 each; 14 assistant division superintendents, at $2,000 each; 139 chief clerks, at $1,800 each; 295 clerks, class 6, at not exceeding $1,600 each; 1,536 clerks, class 5, at not exceeding 1,500 each; 635 clerks, class 5, at not exceeding $1,400 each; 2,889 clerks, class 4, at not exceeding $1,300 each; 2,496 clerks, class 4, at not exceeding $1,200 each; 6,644 clerks, class 3, at not exceeding

$1,100 each; 2,727 clerks, class 2, at not exceeding $1,000 each; 600 clerks, class 1, at not exceeding $900 each; 600 clerks, class 1, at not exceeding $800 each; in all, $21,035,550" and to insert:

Railway Mail Service: For 15 division superintendents, at $3,000 each; 4 assistant superintendents, at $2,200 each; 15 assistant division superintendents, at $2,000 each; 112 chief clerks, at not exceeding $2,000 each; 32 clerks, grade 10, at not exceeding $1,800 each; 304 clerks, grade 9, at not exceeding $1,700 each; 1,501 clerks, grade 8, at not exceeding $1,600 each; 573 clerks, grade 7, at not exceeding $1,500 each; 2,767 clerks, grade 6, at not exceeding $1,400 each; 2,297 clerks, grade 5, at not exceeding $1,300 each; 6,369 clerks, grade 4, at not exceeding $1,200 each; 2,802 clerks, grade 3, at not exceeding $1,100 each; 905 clerks, grade 2, at not exceeding $1,000 each; 900 clerks, grade 1, at not exceeding $900 each; in all, $22,941,711; and the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum; and to enable the Postmaster General to reclassify the salaries of railway postal clerks, he may exceed the number of clerks in such of the grades as may be necessary: *Provided*, That the number of clerks in the aggregate as herein authorized be not exceeded.

Mr. HITCHCOCK. Mr. President, I want to bring up at this time and call to the attention of the chairman of the committee a condition which existed some time ago and which, in part, still exists in the Railway Mail Service. I refer to the demotion of a number of railway mail clerks, by order of the Postmaster General, without a trial or a hearing of any sort, and without the employees being permitted to know the evidence against them or even definitely the charges laid against them.

I secured from the Post Office Department, through a resolution of the Senate, information to the effect that there are, as I recall it, some 23 of these railway postal clerks still suffering under demotion, and I have in my own State 5 or 6 of that number. I know some of these men personally, and it seems to me that the situation is one which calls for some form of protection being extended to them.

Mr. BOURNE. If the Senator will permit me to interrupt him——

Mr. HITCHCOCK. Yes.

Mr. BOURNE. The first paragraph of section 6 of the bill will, if enacted, prevent a repetition of the cases the Senator refers to, and we will reach that paragraph when we get along further in the bill.

It provides that an employee, before removal or demotion, shall know the causes upon which he is removed or demoted, and that he is entitled to a hearing and entitled to full information relative to the matter.

Mr. SMITH of South Carolina. If the Senator in charge of the bill will permit me, I will refer the Senator from Nebraska to page 67 and part of page 68 of the last information print, copied from pages 48 and 49 of the regular print.

Mr. HITCHCOCK. What is guaranteed to the employee?

Mr. SMITH of South Carolina. If you will allow me to read the paragraph, I will do so:

6. That no person in the classified civil service of the United States employed in the postal service shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request.

Mr. HITCHCOCK. I think such a provision would probably have the effect of protecting men in the future, but I am speaking now of some six men in my State who were arbitrarily demoted without being informed as to what the charges were against them, without having any opportunity to present their defense, and although I have applied and appealed to several branches of the Post Office Department, from the Assistant Postmaster General to the inspector, I have absolutely failed to secure any relief for these men. One of them——

Mr. BOURNE. Does the Senator from Nebraska suggest that we put in a provision applying to them?

Mr. HITCHCOCK. I have drawn an amendment which I propose to ask to be inserted at this point, reading:

And no clerk covered by this paragraph shall be demoted, nor shall a previous demotion continue in force until the clerk shall have been supplied with a detailed statement of the charges against him, and by whom made, and be given a full opportunity to meet the same.

Mr. LODGE. Mr. President, I desire at this point to reserve the point of order on that amendment.

Mr. BOURNE. In other words, the Senator's desire is, as I understand, to make the first paragraph of section 6 apply to instances of demotion that have already occurred?

Mr. HITCHCOCK. Yes.

Mr. BOURNE. I suggest to the Senator that he let that go over until we come to section 6.

Mr. HITCHCOCK. I will do so if the Senator requests it.

Mr. President, I myself have felt outraged that these men, one of whom has been serving for 23 years, a man of good standing in the community, of excellent character, should be compelled to appeal as he did to the Post Office Department time and time again for a mere statement of what were the charges against him and who brought them, and be met with the refusal of the department to even state what he was charged with or the evidence against him or who brought the charges.

Here was a man who had secured a sixteen hundred dollar a year position as the result of civil-service examination and merit, and yet that was arbitrarily taken away from him. Without a hearing and without definite charges he was demoted to a twelve hundred dollar a year position without any opportunity for relief. I think there ought to be something done, not only to protect employees in the Post Office Department in the future, but if possible to restore those men who are still suffering under that discrimination and that outrageous use of departmental power to their former positions. If the Senator will accord me an opportunity, when the time comes, I shall be glad to present the matter.

Mr. BOURNE. Certainly.

Mr. BAILEY. Mr. President, if it were now in order I would propose as a substitute for all of this that all these men be turned out every four years. I think the right to hold an office is not a natural right, and that these gentlemen who occupy these offices in this easy way might now and then be sent back to the body of the people to learn how it is to earn a living in other ways than by serving the Government, and they ought to become taxpayers every once in a while instead of taxeaters all the time.

If this provision becomes a part of the law, then these men in the Post Office Service will be as secure in their offices for life as the Federal judges are, the only difference being that we will probably have to have an inquest up in the department instead of having one in the Senate.

I do not believe, Mr. President, there is any place in a Government like ours for life tenure. I am one of the men who do not believe in a life tenure for judges, although I believe in a tenure sufficiently long to remove them from the influences which are supposed to sway the minds of men.

But surely these gentlemen are not of such consequence in the administration of this Government that we must make a class of them, segregate them from the balance of the people, and leave them to work in the shade at a handsome salary for the balance of their lives, while their brothers who are out on the farm are working in the sun for half the compensation in order to earn taxes to pay these larger salaries. I have no sympathy with any proposition to secure men for a lifetime in any kind of an office.

If the Senator from Nebraska will just cast his eyes forward beyond the 4th of next March, he will find much need for some of these places for the worthy Democrats who have been kept out for so many years.

Mr. HITCHCOCK. Mr. President, I resent somewhat what the Senator from Texas says. I can not think that he has applied his remarks with a full understanding of the situation. I am not referring to men who will be placed in position as a result of favor. I am referring to men in the Railway Mail Service who have secured their positions on merit, who hold their positions on merit, under the law of Congress. I am referring to men who have become experts in the Railway Mail Service.

I want to say to the Senator from Texas it is of more importance to the people of the United States whom they serve than it is to the men themselves that their positions should be held permanently and not at the will of political officials put in temporary charge over them.

The men in the Railway Mail Service lead lives so strenuous that anyone who has been in a railway mail car or who knows anything of the Railway Mail Service knows that the tension under which the railway mail clerks work is among the greatest strains that human beings are subjected to.

Mr. BAILEY. Then they ought not to be subjected to it for a whole lifetime.

Mr. HITCHCOCK. It is utterly impossible to think of serving the people of the United States in that wonderful service, with the high degree of skill required, by putting men in office one year and turning them out another.

Mr. BAILEY. No; I would give them four years.

Mr. HITCHCOCK. It is of more importance to the people of the United States that those men should feel that their positions are secure as long as they serve the people faithfully, and they should not be subjected to being ejected from their positions and thrown upon the world without being given an opportunity to know what the charges are which are made against them.

I want to say one word more to the Senator from Texas. This particular controversy arose in the West as the result of men being required to work 16 hours a day in the Railway Mail Service. During the latter part of 1910, what is known as the "slack order" was issued by the Postmaster General, and the chief clerk at Omaha verbally advised the clerks that it was the policy of the department to require eight hours' road duty of clerks, and that they would not be allowed time for delayed trains, or time performed at terminals, and extra runs that they might be called on to make, and they were then taking off crews and reducing the number of clerks on many lines to bring their road duty up to the eight-hour schedule. Clerks were at that time and had been for some time performing extra duty on their own and other lines in counting and verifying the various classes of mails. Also, owing to the reduction in the number of clerks employed throughout the country, stuck or unworked mail was accumulated in all the large cities throughout the country, and clerks off duty were called on during their lay-off period to work this mail. Also what is known as "terminal duty" was established and clerks assigned to road duty were given a regular assignment for their lay-off period of work.

The result of the excessive work required of these men is without any reason, except to grind down the expenditures of that department in order that the Postmaster General may make an apparent showing all over the country of economy.

The result of the hardships on these men was that they held meetings and protested to the department, and the result of those protests, Mr. President, was that the evil was remedied and the Postmaster General was forced to recall that order, and he himself then disclaimed responsibility for it, admitting that it was an outrage upon the clerks. Yet the men who were active in filing this protest have been punished and are still being punished by the department.

Mr. BAILEY. Mr. President, the Senator from Nebraska did not quite understand me if he understood me to mean that his proposition was any more objectionable than the pending proposition. I think, if men are to have a life tenure they ought not to be removed without some notice to them. But I was unfortunate in expressing myself if I did not make it plain that my objection is to the life tenure, not to the suggestion that those who hold for life shall have notice of an intention either to demote them or to remove them.

When the Senator from Nebraska reads his statement in the RECORD he will be rather surprised at the extravagance of his speech when he declared that this service is so important and that in practice it takes a long time to qualify a man for this work. I could easily find enough capable men in 30 days to fill all these places. The man who can not learn to do this work in 90 days can never earn $1,500 at anything in his life. There is no special or technical knowledge required. There is a certain skill of hand in distributing this mail, and I have no doubt that long practice brings a certain proficiency in that; but what happened to the mail service of the country before these gentlemen had held these offices for so long a time? Does the Senator intend for us to understand that during all the time these men were acquiring this knowledge, which he says now makes them indispensable to the Government, the mail service of the country suffered? Oh, no; the mail service of this country has been excellent ever since I can remember, or at least ever since I have been going to the post office.

Mr. President, if there are any people in this Republic who could best serve it by holding their offices for life, I say it would be the Senators and the Representatives. I would not want that to go into effect until after the 4th of next March, but I do not hesitate to say that experience and knowledge are worth more in the Congress of the United States than in any other, indeed, than in all other departments of the Government except the judiciary. Yet I think there is no Senator here who would be willing to give Senators their seats in this Chamber during their good behavior. I think that we all think it better for us to resubmit the fidelity and the wisdom of our service to the people of the several States every six years; and Members of the other House are compelled to do that every two years. Yet they perform a service vastly more important to the welfare of the country than all the mail service put together.

While I would not be willing to go back to the time when the mail was a matter of personal or private distribution, I would rather do that if I could give the American people a wise American Congress through all the years than to give them the best mail service that skill, ingenuity, and experience can provide and still leave them with a Congress less wise than it ought to be.

Oh, no, Mr. President, there is no department of the Government where the efficient administration of it requires a life tenure. If there be any such department, it is certainly the judiciary; and most of the Senators—certainly most of the Senators on this side—would like to see that modified. I think most of us would like to see a term of office long enough to render the judge independent of popular passions, popular prejudices, and still not so long that he must remain on the bench after he has become incapable of properly performing the duties of his great office.

But it will make precious little difference in the destiny of this Republic whether a mail carrier holds for 4 years or 40 years, so far as the efficiency of that service is concerned. There is, however, another and a larger view of this question, and it is of vast consequence whether we are to build up an office-holding class in this country.

Mr. President, I want to go one step further. I want to say here what I have said on more than one other occasion, that when you perfect your civil service and through it establish a life tenure for all the employees of the Government, a civil pension follows as naturally as the night follows the day. When these people have served at excellent salaries for 40 or 50 years, they will come in and they will say, as they have been saying with tremendous effect in some quarters, that they have given their lives to the service of the Government and the Government ought to take care of them in their old age. I can not comprehend the justice or the logic which compels the taxpayer to save something out of his meager income or suffer the consequences of his folly or misfortune in his old age, and yet applies a different rule to those who receive a part of his taxes in the shape of salaries.

When I came to Congress, 22 years ago, we had only a retirement for the Army, Navy, and the judiciary, and nobody then, except a few of us, expected the policy to be extended; but it has been already extended, and recommendations have come to us from more than one President that it be made to include practically all department employees.

So it will go on, from bad to worse. These men are given excellent positions, with salaries above what similar work commands in individual and corporate employment, and yet they are to be taught to imitate the spendthrift, waste what they earn while they are working, in the confident assurance that the taxpayers of this country will be compelled to take care of them in their old age.

So far as I am concerned, I should like to see the office-holder, at least, go back to the people for a renewal of the commission at such intervals as will remind him, and keep him always reminded, that he is not of an office-holding class.

But the inevitable effect of a life tenure in this country is to create a separate class, and to see how large that class is becoming we need only to consult the Blue Book of the United States. There is in the archives of this Government a report, in which it is said that whenever the patronage of the Federal Government should reach one hundred thousand it would seriously menace the power of the people to change its administration. We have now, I believe, passed the three hundred thousand point, and our annual expenditures have risen from the modest sum of $58,000,000, immediately preceding the war, to the stupendous and almost inconceivable sum of a billion dollars now, and still we have not reached the end. We go on multiplying these offices; we go on increasing these salaries; we go on extending these privileges; and yet the taxpayers of the United States must foot the bill. I am opposed unalterably to it.

Mr. WARREN. I wish to ask the Senator from Oregon to accept an amendment to the amendment. It is to strike out, after the semicolon, line 3, page 28, beginning with the word "and," that and the two lines following and to the semicolon in line 6, so as to put it on the same basis exactly as the total sum on page 12, where the appropriation of $37,000,000 provides for employees not in the mail service.

Mr. BOURNE. I gladly accept the suggestion of the Senator from Wyoming.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wyoming to the amendment of the committee will be stated.

The SECRETARY. On page 28, line 3, after the word "dollars" and the semicolon, strike out the words:

And the appointment and assignment of clerks hereunder shall be so made during the fiscal year as not to involve a greater aggregate expenditure than this sum.

Mr. BOURNE. That is to make it conform with the previous provision.

Mr. WARREN. Yes.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BOURNE. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 1, 1912, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *July 31, 1912.*

The House met at 12 o'clock noon.

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

We bless Thee, our Father in heaven, that by the example of every pure, noble, self-sacrificing life, especially by that of the Jesus of Nazareth, which looms brighter and brighter as the years come and go, we are brought, if we will, in contact with the pure, life-giving currents ever flowing from the heart of the Father soul.

I am come, said the Master, that they might have life, and that they might have it more abundantly.

Make us, we beseech Thee, susceptible to Thy holy influence that our lives may be pure, Godlike. In the spirit of the Lord Christ. Amen.

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

ORDER OF BUSINESS.

Mr. UNDERWOOD. Mr. Speaker, I desire to make a request for unanimous consent. I understand from the gentleman from Illinois [Mr. MANN], the leader of the minority, that a number of gentlemen on his side of the House desire to have an opportunity to-morrow to attend the notification ceremonies when President Taft will be notified of his nomination for the Presidency, and do not desire to be in the House between the hours of 12 and 3 o'clock p. m. Recognizing that that is an important event to that side of the House, I think that we should do them the courtesy of yielding to the request, and therefore I ask unanimous consent that when the House meet to-morrow at 12 o'clock there shall be general debate until 3 o'clock, the time to be controlled by the Speaker.

The SPEAKER. General debate upon what?

Mr. UNDERWOOD. General debate on the state of the Union, the Speaker to control the time. It enables gentlemen on this side, who desire to deliver speeches, to have the opportunity, and at 3 o'clock, unless the conference report on the naval bill is taken up, I give notice that I shall move to take up for consideration the cotton bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House meet to-morrow at 12 o'clock it shall spend three hours in general debate, the time to be controlled by the Speaker, and he gives notice that at the end of that time, unless the naval conference report is taken up, he will call up the bill to revise the cotton schedule. Is there objection?

Mr. WILSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask if it would not be possible to arrange that when we adjourn to-day we adjourn to meet at 11 o'clock to-morrow morning, for the purpose of taking up for consideration the seamen's bill.

Mr. MANN. Mr. Speaker, if the gentleman will permit, Members upon this side of the House are invited to the White House to attend the notification ceremonies and to luncheon to-morrow. The ceremonies begin, I believe, at 11 o'clock in the morning, and the luncheon is at 1.30, so that it would not be practicable to accede to the request of the gentleman from Pennsylvania.

Mr. WILSON of Pennsylvania. Would it be possible, then, to reach an understanding that we proceed with the consideration of the seamen's bill at 3 o'clock?

Mr. MANN. Mr. Speaker, the gentleman from Tennessee [Mr. PADGETT] gave notice a few days ago that he would call up the conference report on the naval appropriation bill on Thursday—to-morrow—and I take it that that is likely to be done, and, if not, the gentleman from Alabama gives notice that he will call up the cotton bill. I would say to the gentleman from Pennsylvania that I do not think there will be any difficulty in disposing of the seamen's bill and a number of other bills.

Mr. WILSON of Pennsylvania. I do not think there will be, if we can get it up for consideration.

Mr. MANN. I mean before long, or before final adjournment. I do not see any opportunity of doing it this week.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Pennsylvania that, so far as I am concerned, I shall be very glad to see him have the opportunity to pass the seamen's bill. I am for it, but that bill has been pending in the House two or three days and has had a fair opportunity. The supply bills of the House and this tariff bill must be passed before adjournment. They are matters of great public importance, and these other bills, in my judgment, ought to give way to them until they are out of the way.

Mr. MANN. Mr. Speaker, when these various bills go to conference I think there will be plenty of opportunity to pass the seamen's bill and a number of other bills that are made privileged.

Mr. UNDERWOOD. Mr. Speaker, I ask the Chair to put my request.

The SPEAKER. Does the gentleman from Pennsylvania withdraw his suggestion?

Mr. WILSON of Pennsylvania. I withdraw my suggestion.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House meets to-morrow at 12 o'clock there shall be general debate for three hours, the time to be controlled by the Speaker. In addition to that request he gives notice that at 3 o'clock, unless the conference report on the naval appropriation bill is up, he will call up for consideration the cotton bill. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

IMPEACHMENT OF ROBERT W. ARCHBALD.

The SPEAKER. In the matter of the impeachment of Robert W. Archbald the Chair refers to the managers on the part of the House the answer of Mr. Archbald.

Mr. CLAYTON. Mr. Speaker, I am directed by my associate managers on the part of the House to say that the managers were furnished on yesterday with a certified copy of the answer of Judge Archbald, additional circuit judge for the first judicial circuit, designated a judge in the Commerce Court.

The SPEAKER. The Chair merely formally refers the matter.

Mr. CLAYTON. I so understand, Mr. Speaker, and I am further directed to say that the managers have considered the answer in the matter of the impeachment proceedings against Judge Archbald and have directed me to present to the House, and ask its adoption, the replication to such answer, and I ask that the Clerk read the replication, which I send to the desk. (H. Rept. 1119.)

The SPEAKER. The Clerk will read the replication.

The Clerk read as follows:

Replication of the House of Representatives of the United States of America to the answer of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, and designated a judge of the United States Commerce Court, to the articles of impeachment exhibited against him by the House of Representatives of the United States of America.

The House of Representatives of the United States of America, having considered the several answers of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, and designated a judge of the United States Commerce Court, to the several articles of impeachment against him by them exhibited in the name of themselves and of all the people of the United States, and reserving to themselves all advantages of exception to the insufficiency, irrelevancy, and impertinancy of his answer to each and all of the several articles of impeachment so exhibited against the said Robert W. Archbald, judge as aforesaid, do say:

1. That the said articles do severally set forth impeachable offenses, high crimes, and misdemeanors, as defined in the Constitution of the United States, and that the same are proper to be answered unto by the said Robert W. Archbald, judge as aforesaid, and sufficient to be entertained and adjudicated by the Senate sitting as a Court of Impeachment.

2. That the said House of Representatives of the United States of America do deny each and every averment in said several answers, or either of them, which denies or traverses the acts, intents, crimes, or misdemeanors charged against the said Robert W. Archbald in said articles of impeachment, or either of them, and for replication to said answers do say that said Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, and designated a judge of the United States Commerce Court, is guilty of the misbehaviors, high crimes, and misdemeanors charged in said articles, and that the House of Representatives are ready to prove the same.

Mr. CLAYTON. Mr. Speaker, I move the adoption of the replication.

The SPEAKER. The question is on the motion of the gentleman from Alabama to adopt the replication.

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

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration and adoption of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 654.

Resolved, That a message be sent to the Senate by the Clerk of the House informing the Senate that the House of Representatives has adopted a replication to the answer of Robert W. Archbald, additional circuit judge of the United States for the third judicial circuit, and designated a judge of the United States Commerce Court, to the articles of impeachment exhibited against him, and that the same will be presented to the Senate by the managers on the part of the House; and also that the managers have authority to file with the Secretary of the Senate, on the part of the House of Representatives, any subsequent pleadings which they shall deem necessary.

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

CONSENT TO ADDRESS THE HOUSE.

Mr. HENRY of Texas. Mr. Speaker, I desire to ask unanimous consent that on Saturday next, immediately after the reading of the Journal, I be allowed to address the House for

one hour, or such time as I may desire, in reply to the remarks of the gentleman from Illinois [Mr. RODENBERG].

The SPEAKER. The gentleman from Texas asks unanimous consent that on next Saturday, immediately after the reading of the Journal, he be allowed to speak for one hour in answer to the remarks of Mr. RODENBERG, of Illinois. Is there objection? [After a pause.] The Chair hears none.

LIMITATION OF HOURS OF EMPLOYEES ON PUBLIC WORKS.

The SPEAKER. This is Calendar Wednesday, and the unfinished business before the House is the bill H. R. 18787, and the House automatically resolves itself——

Mr. WILSON of Pennsylvania. Mr. Speaker, pending the House resolving itself into the Committee of the Whole House on the state of the Union I would like to ask if we can have some arrangement about closing general debate on this bill. General debate on this bill continued all of last Wednesday, and I would like to see if we can not have an arrangement by which we can close general debate to-day.

Mr. MANN. Mr. Speaker, reserving the right to object, several gentlemen on this side desire to speak in general debate. I do not know about that side of the House. The gentleman from New Jersey [Mr. KINKEAD] the other day said he desired to be heard in general debate. I would be perfectly willing, I think, to close general debate not later than half past 3.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask that general debate on this bill close not later than half past 3.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that general debate on this bill close not later than half past 3. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The House automatically resolved itself into the Committee of the Whole House on the state of the Union, with the gentleman from North Carolina [Mr. PAGE] in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 18787, the title of which the Clerk will report.

The Clerk read as follows:

A bill relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] is recognized.

Mr. BARTHOLDT. Mr. Chairman, I rise to tell the story of the Chicago contests. I was there, listened to the evidence, and voted on the cases as the facts warranted and my conscience dictated.

A man who loses his case is liable to abuse the court; hence I paid little attention to the cry of fraud and theft emanating from the camp of the defeated. But when United States Senators—when men like CUMMINS and KENYON from Iowa and WORKS from California, in quasi-official pronouncements, talk about "tainted delegates" and an "illegal nomination," I feel it is time to speak out. Of course, it is not political expediency which prompts men of their caliber to make such statements; they actually believe what they say. But I assert without fear of successful contradiction that if they do honestly believe it, they have not read the record. That record—the stenographic report of the proceedings of the Republican national committee and the committee on credentials, as well as an intelligent résumé of both—will soon be within reach of everybody; and after the gentlemen just named have read and studied it, I know what will happen—they will retract. At least, I believe them big enough to do so. The smaller fry, because it does not suit their political purpose, will probably not do it, and I do not expect them to. Although, gentlemen, I say frankly, if ever in our history political necessity imposed upon a public man the obligation of absolute mental honesty, even in the political game, it is at this particular juncture. The life of the Republican Party depends upon it.

It may happen in the life of a nation that it becomes impatient with the truth and with the men who utter it. Such a state of the public mind is invariably due to the poison of malicious aspersion and calumny, insidiously spread, or if the temper of the people will permit, openly disseminated by the demagogue and the disgruntled politician. But, Mr. Chairman, I have an abiding faith in the sense of fairness and justice of the American people, and in presenting my facts confidently rely on that fair play which is always born of their sober second thought.

In my judgment, it is the solemn duty of every good American citizen between now and November to carefully study the evidence in the Chicago contests in order that he may form his own conclusions, and I predict that the Republican cause will be strengthened in exact proportion with the numbers of those who are willing to perform that duty. In other words, to weigh the evidence with impartial care will inevitably and irresistibly lead to the conclusion that every single contest has been decided strictly in accordance with its merits. In one important instance it will be found, the national committee gave the benefit of the doubt to the Roosevelt side when a decision in favor of the Taft delegates could have been defended with equal success. As a result of his investigation it will soon dawn upon the student of the evidence that a crime, unprecedented in its brutality, has been committed against the Republican Party by those who have rashly denounced the action of the committee and vilified its members without knowing the facts, and whose criticism, strange to say, was the more bitter the less familiar they were with the evidence. Therefore, I say again, let each good Republican who believes his great party to be worth saving (I do not appeal to those who are merely looking for an excuse to desert it) read the record for himself. The discharge of this solemn duty will make him a good citizen and a better Republican.

THE MEETING OF THE NATIONAL COMMITTEE.

When on June 6 the national committee convened at Chicago the political atmosphere was pregnant with electricity, and no one realized the gravity of the situation more keenly than did the members of the committee, upon whom at that moment the eyes of the whole Nation were turned. Who are those men? Political accidents, ephemeral nondescripts, satellites of a new will-o'-the-wisp brought to the surface by minority primaries? Oh, no; each one of them was in 1908 the choice of his State delegation for membership in the highest party council; and many of them, as leaders of their State organizations had led their party through the storms of many political campaigns to victory. I found the great majority of them to be men of affairs, earnest and high-minded men of integrity, experience, and standing, but, above all, men actuated by the spirit of party loyalty. Yes; they were and are Republicans. The prevailing sentiment among them was, as they gathered from all the States of the Union, a sense of solemn responsibility coupled with genuine feelings of regret over the bitterness of the contest.

We can not read the hearts of men, but there is strong circumstantial evidence to prove the rectitude of the national committee. It was patent to every member that there was but one possible remedy to relieve the strain, and that was to do justice, to decide the contests fairly and impartially. Let us see whether the members of the committee were actuated by such a desire. Surely, if it had been their intention to steal the nomination, they would have insisted on secret sessions and star-chamber methods, and furthermore, in order to be sure of their prey, they would have convened just about two or three days before the convention and railroaded their plans through by sheer force of numbers, giving as an excuse that lack of time unfortunately made a more careful consideration of the contests impossible. Not only are there precedents for such procedure, but it was the course usually followed; it was the invariable party custom, because, after all, the national committee, by preparing the temporary roll, only determines the prima facie right to seats in the convention, while the final determination of the contests is left to the convention itself. Now, I ask you, what did the national committee do in this instance? If you are fair, you will admit that every single arrangement tended to the promotion of right and justice. In the first place, the committee convened 12 days before the convention and actually consumed 9 working days—from the morning of Thursday, June 6, to the night of Saturday, June 15—with the consideration of the contests, and, needless to say, the presentation of the evidence commanded the closest attention from beginning to end. So thorough, in fact, was the investigation that not a single point, once raised, was allowed to remain in doubt, and it was the consensus of opinion that never before in the history of national conventions were contests heard with more scrupulous care and more searching inquiry into details. So much for that.

Now, as to the custom of hearing and deciding contests in secret session, I am happy to say that the first thing the committee did was to depart from this time-honored custom and to open the doors to all the press associations of the country in order that the public might actually hear the evidence in conjunction with the committee. The minority proposed to also admit correspondents of individual newspapers, but this was deemed unnecessary as every daily paper in the United States is affiliated with either one or the other of the five press associations, so that the purposes of publicity were deemed to be amply subserved by the original plan. Besides, these associations vouchsafed impartial service, their newspaper cus-

tomers being recruited from both camps, while individual correspondents would have written accounts colored to suit the attitude of their papers. Even to-day I sincerely rejoice in the wisdom of an arrangement which insured full publicity and at the same time that impartiality of the reports without which the tongues of calumny would have had a still wider sway. And I leave it confidently to the judgment of the American people whether arrangements which insured ample time for careful consideration as well as fullest publicity smacked of burglary or of an attempt to steal the nomination, or whether they are not corroborative evidence of the most positive kind that the majority, with the sun of heaven as their witness, were bent on doing the fair and square thing.

In discussing these preliminaries which throw so striking a light on the motives of the majority I have purposely avoided all reference to the main issue, and in the following explanation of the contests I shall continue to do so for the reason that the final defeat or success of the one or the other presidential candidate had nothing whatever to do with the merits of the cases *we were called* upon to decide. In the committee room, too, the main question was never the subject of even private conversation. There was, however, tremendous pressure from the outside, emanating mainly from the impetuous followers of the third-term candidate. One day we were told the committee had no right to sit in judgment on the contests and should make room for the newly elected members, the next day it was argued that the delegates from the South should not be permitted to vote in the convention as these States never contributed any electoral vote to a Republican candidate. These efforts to force a change of the rules while the game was in progress were the more ludicrous because these rules were handed down to us by conventions over which the third-term candidate himself has held undisputed control. Why had he not changed them then? And the southern delegates seem to have been regarded as very valuable acquisitions by that same candidate, judging from the way in which Mr. McHarg went after them and from the indisputable evidence touching attempts to buy them. When all these arguments proved unavailing with the committee, then came the attempt at intimidation by physical force. News reached the hall that the party's chieftains were to be mobbed, and really there must have been some foundation to that rumor, for the police department took extra precautions for the protection of the committee.

BOGUS CONTESTS.

While thus the tempest raged outside of the meeting room the committee calmly proceeded with its business, bent upon allaying the trouble in the party, if possible, by a fair determination of the contests. Permit me now to tell the story of these contests. Altogether there were 252 seats contested, 238 by the Roosevelt people and 14 by the Taft people. While the surprisingly large number of contests filed against Taft delegates seemed significant, the committee was ignorant of their real nature when it began its work, but after the first Alabama cases had been heard it dawned upon the members that they were bogus contests, started, as an afterthought, months after the regular party conventions had elected Taft delegates. They were the work of Ormsby McHarg, who had gone South for that purpose. And what is true of Alabama proved to be also true of Virginia, Florida, and Georgia. In all these States the Roosevelt contests were devised for the sole purpose of deceiving the public—i. e., of making a showing for Roosevelt and cutting down Taft's uncontested totals. I do not ask you to take my word for this, as there is twofold proof for the truth of the assertion. That the Roosevelt members of the committee joined hands with the Taft members to throw these contests out and that the votes of the committee on the motions to seat the Taft delegates were unanimous, is alone convincing evidence of the frivolous nature of these contests, but we have additional proof in the shape of a confession from a Roosevelt newspaper, the Washington Times, owned by Mr. Frank Munsey, one of the largest contributors to the Roosevelt campaign, which, on June 9, 1912 (after the national committee had discovered and exposed the swindle), let the cat out of the bag in the following language:

On the day when Roosevelt formally announced that he was a candidate something over a hundred delegates had actually been selected. When Senator Dixon took charge of the campaign a tabulated showing of delegates selected to date would have looked hopelessly one-sided. For psychological effect, as a move in practical politics, it was necessary for the Roosevelt people to start contests on these early Taft selections in order that a tabulation of delegate strength could be put out that would show Roosevelt holding a good hand. In the game a table showing Taft 150, Roosevelt 19, contested none, would not be very much calculated to inspire confidence, whereas one showing Taft 23, Roosevelt 19, contested 127, looked very different. That is the whole story of the larger number of southern contests that were started early in the game. It was never expected that they would be taken very seriously. They served a useful purpose, and now the national committee is deciding them in favor of Taft in most cases without real division.

It is needless to describe the effect of the discovery of this fraud upon the national committee. No one had heard the candidate to be benefited protest against it, and the fact that he acquiesced in and condoned it warrants the conclusion that he would have been perfectly willing to profit by it if the majority of the committee had been his pliant tools. Talk about tainted delegates and adopting the motto, "Thou shalt not steal!" Mr. Chairman, it is a well-settled rule that the man who would appeal to a court of equity must come with clean hands. The court of equity in this case are the American people. What do they think of that candidate's hands? Are they not reeking with the filth of deception? And has he not, as a result of this bunko game, forever forfeited his right to raise a moral issue with anybody and on any pretext?

THE REAL CONTESTS.

By unanimous votes or viva voce votes the original number of 238 contests instituted against Taft delegates was finally reduced to the following 72:

	Delegates.
Ninth Alabama	2
Arizona, at large	6
Fifth Arkansas	2
Fourth California	2
Thirteenth Indiana	2
Seventh Kentucky	2
Eighth Kentucky	2
Eleventh Kentucky	2
Michigan, at large	6
Third Oklahoma	2
Second Tennessee	2
Ninth Tennessee	2
Texas, at large	8
First, second, fourth, seventh, eighth, ninth, tenth, and fourteenth Texas	18
Washington, at large	8
First, second, and third Washington	6
Total	72

INDIANA AND MISSOURI AT LARGE.

It is worthy of note that the delegates at large from Indiana are not included in this list. The fact is that the Taft delegates were seated by a unanimous vote, yet you no doubt remember Mr. Roosevelt's shrieking cry of fraud at the time of the Indiana State convention. It is confidently asserted by men who should know that that outcry was in type before the polls were opened. The contest turned on the vote of Marion County with the city of Indianapolis which, according to the Star newspaper published in that city, was as follows: Taft delegates, 6,163; Roosevelt delegates, 1,480. Mr. Roosevelt's followers on the committee voted to sustain the Taft delegates, but has anybody heard Mr. Roosevelt take back his false accusations by which the popular mind was so grossly mislead?

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

Mr. BARTHOLDT. Would not the gentleman permit me to finish my remarks?

Mr. WARBURTON. It is in reference to a statement the gentleman just made in regard to Indiana.

The CHAIRMAN. Does the gentleman yield?

Mr. BARTHOLDT. I will.

Mr. WARBURTON. I understood the gentleman to say that in Indianapolis, Marion County, Mr. Taft received something like a little less than 7,000 votes, and Col. Roosevelt 1,000. I understand the gentleman that he thinks that was a sufficient vote at the primary and undoubtedly gave Mr. Taft the right to the votes.

Mr. BARTHOLDT. I did not catch the gentleman's question.

Mr. WARBURTON. I will repeat it. I understood the gentleman to say, in Marion County, Ind., in which Indianapolis is located, President Taft received something less than 7,000 and Col. Roosevelt something over 1,000. Now, I will ask him if he thinks that that would be a sufficient vote to control Indianapolis——

Mr. BARTHOLDT. Yes.

Mr. WARBURTON. Well, now I will come to what I want to ask. Indianapolis, in Marion County, is about the size of Seattle, in King County——

Mr. BARTHOLDT. I do not see——

Mr. WARBURTON. I will state to the gentleman——

Mr. BARTHOLDT. I do not see how you can compare those two contests, and when we come to Washington I will be glad to take up that contest with the gentleman, but let me ask the gentleman, since he has interrupted me, Is he a bull moose or for President Taft?

Mr. WARBURTON. I have just filed as a Republican in my State, and I exercise the right to vote for ex-President Roosevelt or President Taft when the time comes.

Mr. BARTHOLDT. You can not do that as a Republican.

Mr. WARBURTON. Watch me do it.

Mr. BARTHOLDT. You can not honorably. You can not ride two horses at a time.

Mr. WARBURTON. I do not try to do so.

Mr. YOUNG of Michigan. Which one?

Mr. CLAYTON. He just has not made up his mind yet.

Mr. WARBURTON. I did not say that.

Mr. BARTHOLDT. When I was interrupted I was speaking about Missouri, and said that the Missouri contest at large had been decided in favor of the Roosevelt delegates.

Missouri is also left out of this list because the contest at large was decided in favor of the Roosevelt delegates. It was a case, as I said before, in which, by the action of the committee, an actual doubt was dissolved in favor of the Roosevelt side. If the committee had ruled that the delegation be divided, such action could have been successfully defended on account of a well-authenticated understanding between the opposing convention leaders to divide the delegates and refrain from instructing them, which understanding had been violated. In the face of the committee's action in this case can you make any sane person believe that the aim and purpose of the committee was to steal delegates? This one case alone should suffice to set public opinion right on this question.

ALABAMA.

Mr. Chairman, I shall not permit myself to be dissuaded from my purpose to tell the truth about the contests above enumerated even by a realization of the difficulty of changing the people's minds. Right in connection with the first case on the list, the ninth Alabama, I can show that the truth has been mortally wounded by poisoned arrows from Oyster Bay, yet I confidently believe that the truth will live and that our great party can not be killed by prevarication. Because of its decision seating the two Taft delegates, Mr. Roosevelt issued a bitter diatribe which the country eagerly swallowed, of course, and in which he intimated that men had been sent to the penitentiary for lesser offenses, but fortunately for the truth he did not stop there. He proceeded to tell the facts in the case as he understood them, and this enables me to show how utterly misinformed he was. Evidently he had heard but one side, and with this faulty information he rushed into print. Says he:

> The Republican committee of this district, composed of 30 members, met to call the convention. Eighteen members were favorable to my candidacy, 12 to Mr. Taft's. The Taft men conceded that this was the regular district committee and began by participating in the meeting, but as soon as it developed that the Roosevelt men were in the majority the 12 Taft men left the meeting and called a convention of their own, leaving 18 members, a clear majority of the regular committee, to call the regular convention in which the Roosevelt delegates were named. No serious evidence was presented by the national committee to contravene these facts.

Of course not. The national committee presents no evidence, but it was presented to the committee by the Republicans of the ninth Alabama district, and they did not only contravene the facts as stated by Mr. Roosevelt but told the rest of the story, namely, that the whole controversy had been passed upon by the people themselves, inasmuch as the four counties in the district recognized and responded to the Taft call for the district convention, holding delegate conventions in two and mass conventions in the other two counties. When the district convention met all four counties were represented by unchallenged delegations and two Taft delegates were duly elected without opposition. The call of the Roosevelt faction, on the other hand, was ignored by all but one county. So the people have spoken in this case, and the question as to whether the Taft or the Roosevelt call was the regular one was decided by the Republican voters themselves. Shall the people rule? And more than that, the State convention passed upon the case by recognizing the delegates from those four counties who had been elected under the Taft call, and the national committee, by a unanimous vote, seated the delegates at large elected by that State convention. From these facts—I want the House and the country to listen to this in view of Mr. Roosevelt's course in this case—it appears that even if we conceded every claim he makes in the above statement the decision was bound to be in favor of the Taft delegates, and in truth the attorneys for the Roosevelt side never claimed regularity for the election of their delegates, but merely questioned the regularity of the call owing to a split in the committee. And what about that? When the committee met a dispute arose as to the right of certain persons to serve as members of the committee, and this resulted in each faction holding a separate meeting in the same hall. It was well established by the evidence that the Taft committee had the larger number of members whose right to serve was not questioned, to wit, 13. The right of the other two, William Latham and Harvey Hardin, whose votes were necessary to make a quorum (15) was challenged. It was claimed that not William Latham but his brother James was a member of the committee. There was ample evidence, however, that William Latham had been regularly elected a member of the committee and that he had previously acted in that capacity. As to Hardin, there was no question about his membership, but a few days before the meeting he had sent his resignation, to take effect only in case he was not present. He did appear, however, in ample time for the meeting, yet the Roosevelt chairman refused to recognize him and had appointed other men to fill this as well as other vacancies. His right to do so was sharply challenged, and it developed that his authority to fill vacancies was interpolated in a certain resolution, as it was written in between the lines in different writing and different-colored pencil. This gave rise to a question of fact upon which a very large majority of the national committee held that the lead-pencil insertion was a forgery, hence that the chairman did not have the authority to fill vacancies, and therefore the action of the Roosevelt committee was not valid.

I well remember the following question, asked by a Roosevelt member of the national committee in addressing a Taft witness:

> Are you willing to make an affidavit that these lines in the resolution conferring authority on the chairman to fill vacancies were interpolated?

Answer:

> Yes, sir.

That ended the matter, of course. Now, compare these facts with what Mr. Roosevelt says:

> The contest against the two regularly elected Roosevelt delegates had literally no foundation whatever, even of the most flimsy description. There was no more ground for unseating these delegates than there would be, for example, in unseating the Taft delegates from Rhode Island, or in any district in any State where there is no contest whatever.

Mr. Chairman, as you have seen, this contest would have been decided by any jury in the land in favor of the Taft delegates without them leaving their seats, yet Mr. Roosevelt made it the basis of a most virulent attack, with the plain intention of inciting the passions of his hysterical followers and bringing down upon the heads of the national committee the contempt as well as the indignation and wrath of the American people. The language of the Chicago anarchists which precipitated the Haymarket riots was incendiary, and the law reached out after them, poor wretches that they were. Is there no law to reach a prominent offender? I say it would be unpardonable to incite and poison the minds of the people at a time of great nervous tension, even if there were justification for it, but to do so as a result of misinformation and when you are clearly in the wrong is nothing less than criminal. And as Mr. Roosevelt has not yet seen fit to apologize to the national committee on account of the cruel injustice he has done them, I take this occasion to solemnly protest, on behalf of myself and my then colleagues, against the unwarranted reflection upon the integrity and the honor of the committee, as well as against the infamous attempts to create, by untruthful statements, a false public sentiment regarding the Chicago contests, to the great detriment of the Republican Party and its national candidates.

It is natural that after this Oyster Bay utterance in which, among other things, it is hypocritically asserted that the Republican Party is "an instrument for good government which it is wicked to destroy," the people should have become distrustful and suspicious with regard to the action of the national committee in all the contests yet to be decided, and the Ninth Alabama was only the start. But I am determined upon pitting the truth against that suspicion with a view to eradicating it at least from the minds of all those who are able and willing to read, and, therefore, I propose to discuss all the contests included in the so-called "purging resolution."

ARIZONA.

In the Arizona case the seats of the six Taft delegates at large were contested on the ground of a rump convention having been held by the Roosevelt adherents in a corner of the same hall in which the regular convention was taking place. The rump convention was attended by 25 delegates, while 64 delegates remained in the regular or Taft convention. Although there had been contests in Maricopa and other counties, only one such contest was presented to the State committee when it made up the temporary roll. This was from Cochise County, and it was decided to seat both delegations with one-half vote each, with the understanding that both delegations should present their case to the committee on credentials when appointed by the convention. In the State convention the Taft men were in control by a large majority, but the moment the temporary chairman had taken his seat a number of persons, including about 17 whose names were on the temporary roll, pushed to the right-hand side of the hall, one of their number mounted the platform, and after 15 or 20 minutes of noise and confusion they left the hall and did not return. The Arizona contest is

the result of the proceedings so conducted during that space of time. The record of this so-called convention showed the appointment and report of committees and the election of delegates to the national convention, but it was conceded that these reports, including that of the committee on credentials, had been prepared in advance. In other words, the Roosevelt people knew they would be in a minority in the convention and had staged and prepared for the bolt in advance. The regular convention remained in session for several hours longer and transacted its business in a legal and proper way, not even forgetting a vote of thanks to the citizens of Tucson who had arranged for the entertainment of the first Republican convention in the new State. Is there any one who doubts the correctness of the decision of the national committee that this convention was the only regular and legal convention held in the State of Arizona?

ARKANSAS.

Mr. Roosevelt's list of "stolen delegates" also contains the two delegates from the fifth district of Arkansas. This contest was, as the gentleman from Wyoming [Mr. MONDELL] properly characterized it, a joke and a farce. Four years ago the national committee decided which faction represented the regular organization in that district, and as no appeal was taken to the committee on credentials, that decision remained in force. The organization so recognized was practically the only one in existence; it put congressional candidates in the field in 1908 and 1910, maintained county committees, and on May 6, 1912, held its regular district convention at Little Rock to again nominate a candidate for Congress and elect two delegates to the national convention. All its proceedings were in due and regular form, and the one contest presented was settled by seating both delegations with a half vote each. In the meantime it seems the old defunct organization, called the Redding faction, had been resurrected to secure two Roosevelt delegates, and it held a "convention" on the same day and also at Little Rock but in another hall. Only three days' notice had been given of the convention, and there was no evidence as to how many delegates attended it and whether they were Republicans. The national committee reaffirmed its decision of four years ago and recognized the two Taft delegates elected by the regular organization.

CALIFORNIA.

If noise were a test of merit, the protest of the Californians against the two Taft delegates from San Francisco might be adjudged as valid. The Roosevelt delegation from California, including several Democrats and led by a former Democrat and up to the Chicago convention an alleged Republican, the fire-eating governor of that State, certainly made a desperate attempt to carry the day by physical effort rather than by convincing argument. The facts in the case are as plain as daylight. It was anticipated that President Taft would carry the San Francisco district for several reasons, but especially because of his support of that city as the location for the Panama Exposition. In order to head off this Taft victory and to steal the district, as one of the Taft men put it, a law was rushed through the legislature seeking to enforce the State unit rule. In the fourth district the two candidates on the Taft ticket expressed a preference for Taft, but did not agree, the law permitting such discretion, to vote for the candidate receiving the highest vote in the State. At the election they received a majority of 300 over the Roosevelt delegates in the district. The national call expressly forbade any law or the acceptance of any law which prevented the election of delegates by districts, hence the California statute was passed in direct violation of the party law which, in accordance with the principle of home rule, recognizes the district as the unit and has been in vogue ever since 1880.

Mr. AUSTIN. The California law was passed, was it not, after the national committee had issued its call and had laid down rules under which these delegates should be elected?

Mr. BARTHOLDT. Yes; it was passed for the purpose of getting these California districts which they knew would be for Taft.

Mr. AUSTIN. Before the gentleman passes from that, is it not a fact that in a previous national convention this very issue was fought out and delegates representing every State in the Union decided that the delegates from a district could not be elected by the State convention?

Mr. BARTHOLDT. True; that was the convention of 1880.

It is a well-settled fact that a State has no power to prescribe the manner of representation in the national convention of a voluntary party organization. If the authority of law were to be recognized at all to control national party conventions, it would have to be the authority of national law. Under a strict construction of its call the national committee could have unseated all 24 Roosevelt delegates, but, instead of taking advantage of a technicality, it admitted them together with the two Taft delegates from the fourth district, and the seating of the latter was in strict accordance with the law and precedent established in 1880 and followed in unbroken line ever since.

Mr. WARBURTON. May I interrupt the gentleman?

Mr. BARTHOLDT. I wish the gentleman would not interrupt me now.

Mr. WARBURTON. He has been interrupted by other gentlemen, and I would like to have the same privilege.

Mr. BARTHOLDT. I thought we would fight it out on Washington.

Mr. WARBURTON. You said it had always been the rule. I want to say the State of Washington has always elected its delegates at large, and they have always been seated.

Mr. AUSTIN. I want to ask the gentleman if there is any controversy or question over them?

Mr. WARBURTON. I do not think so.

Mr. MANN. Did they not once elect their Members of Congress at large?

Mr. WARBURTON. Up until about eight years ago.

Mr. BARTHOLDT. If that is the case, they surely have departed from this rule at this particular time, because at the meeting of the national committee of which I speak the Roosevelt people from Washington made a fight with respect to the delegates at large, eight in number, and they also made a fight with respect to the delegates from the first, second, and third districts of Washington.

Mr. WARBURTON. I would like to ask the gentleman a question there. In the third district of Washington, in accordance with the report and rule of the State committee, eastern Washington had four Roosevelt delegates to Taft's one, and yet you seated in some manner—I do not know how—the two delegates from that district.

INDIANA.

Mr. BARTHOLDT. In the thirteenth district of Indiana the two Roosevelt contestants based their claims upon a rump convention which was held by a few Roosevelt followers, not more than 30 in number, after the regular convention had been in session three and one-half hours and had transacted its business and adjourned. At this rump convention there was no roll call of the delegates, the persons present did not sit down, no secretary was elected, but a self-appointed chairman, by viva voce vote, declared the election of two delegates and two alternates to the national convention. The regular convention had been riotous, and the confusion and uproar was kept up by the Roosevelt men for more than three hours. They resorted to these tactics after a Taft man had been elected permanent chairman by a very close vote, 71¼ to 70¾. This vote had been taken while the proceedings were still orderly, and it was a test vote favoring the Taft side. A dispute about the selection of the member from Fulton County for the committee on credentials was the signal for the "rough house" to be started, but during the confusion the report of the committee on credentials was adopted and the Taft delegates were elected. For 15 minutes the chairman, with a loud voice and through a megaphone, had called upon the Roosevelt men to make nominations for delegates, but none were announced. When the ayes and noes were called on the election of the delegates there were no noes, the Roosevelt delegates failing or refusing to vote. Adjournment followed, and the rump convention already described was held. A quorum of the convention was 72, the rump convention was attended by not more than 30 delegates. At the hearing before the national committee a new kind of evidence was presented by counsel for the Roosevelt contestants, namely, affidavits purporting to show that a majority of the convention had not voted for the Taft delegates. But as the result of the vote had not been questioned at the convention, the national committee, while permitting the affidavits to be read, declined to recognize them as valid evidence on the ground that duly declared and certified convention results must stand if no question was raised in the convention itself. This contest was decided for Taft, and I believe properly, by a vote of 36 to 14.

KENTUCKY.

The next on the Roosevelt list of "stolen" delegates are those from the seventh, eighth, and eleventh districts of Kentucky. The contest of the delegates at large of that State had been abandoned by the Roosevelt people after it had been shown before the national committee that if all the contested seats in the State convention—449 in number—had been given to Roosevelt, his strength in the convention would have still been 297 votes short of a majority. The test vote of the convention was taken on the adoption of the report of the committee on credentials, the vote being 1,872 to 434 in favor of Taft. There was no protest or bolt of any description. The contest filed

as an afterthought is on a par with the fake contests from the other Southern States.

As to the seventh and eighth districts I adopt as my views the statements prepared by counsel at the request of the national committee. They are as follows: "In the seventh Kentucky district the total vote of the convention was 145. There were contests from four counties, involving 95 votes. According to the rules of the party in Kentucky, where two sets of credentials are presented, those delegates whose credentials are approved by the county chairman are entitled to participate in the temporary organization. On the temporary roll the Taft chairman was elected by 98 votes and 47 votes were cast for the Roosevelt candidate. The committee on credentials was then appointed, consisting of one member named by each county delegation. The majority report of the committee was adopted unanimously by the convention, no delegation whose seats were contested being permitted to vote on its own case. As soon as the majority report of the credentials committee had been adopted the Roosevelt adherents bolted. There was not the slightest reason for sustaining the contest for the Roosevelt delegates.

The eighth Kentucky district was composed of 10 counties, having 163 votes, of which 82 were necessary to a choice. There was no contest in 5 of the counties, and, although the Roosevelt men claimed that there was one in Spencer County, no contest was presented against the seating of the regularly elected Taft delegates from that county. This gave the Taft delegates 84 votes, or 2 more than were necessary for a choice. In other words, assuming that the Roosevelt men were entitled to all the delegates from the counties in which they filed contests in the district convention, there remained a clear majority of uncontested delegates who voted for the Taft delegates to Chicago.

The contest in the eleventh district of Kentucky resulted in a compromise, the national committee placing one Taft and one Roosevelt man on the temporary roll of the convention. The decision was reached because there was an honest doubt in the minds of the members. The whole trouble in the district convention arose over the arbitrary action of the chairman of the congressional committee, a Roosevelt man, who called the convention to order and, in violation of all party law and custom, appointed a committee on credentials himself, instead of permitting the delegations from the several counties to name the members. This caused the Taft men to hold a separate convention, with 284 lawfully elected delegates out of a total membership of 384. The national committee would have been justified in seating both Taft men, and yet it is said they were "stealing" delegates.

MICHIGAN.

In the "purging resolution" presented to the national convention the Roosevelt contingent also claimed the six delegates at large from Michigan for their chieftain. That contest, after it had been decided by the national committee in favor of the Taft delegates by a viva voce vote, was not even presented to the committee on credentials or the convention. It was too plain a case. The first roll call in the State convention resulted in 67 votes for the Roosevelt side and 818 for Taft. There were contests from Wayne and Calhoun Counties, but when the State committee made up the temporary roll the Roosevelt people failed to present their cases. They also failed to appear before the committee on credentials, although ample opportunity was given them to present their claims. The evidence left no doubt that the Taft men had carried Detroit (Wayne County) by a large majority, but even subtracting from the total vote of the convention the vote of the two contested counties, the Taft delegates still outnumbered the Roosevelt men by several hundred. As was their tactics everywhere in the country, the Roosevelt delegates made all the noise possible, but finally they grew tired and bolted the convention with not to exceed 200 out of a total of 1,312. At all times until the adjournment of the convention nearly 1,000 delegates were present and participated in the proceedings of the election of the six delegates at large. What, I ask, is your opinion of the mental condition or the moral make-up of a man who, in the face of these facts, brazenly sticks to his assertion that these six delegates were stolen by the national committee?

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

Mr. BARTHOLDT. Mr. Chairman, can not I have a little more time?

Mr. MANN. How much more time does the gentleman desire?

Mr. BARTHOLDT. I think I can finish in about 15 minutes.

Mr. MANN. I ask unanimous consent that the gentleman from Missouri have 30 minutes more.

Mr. BARTHOLDT. Thank you.

Mr. ROBINSON. The gentleman states that he can conclude in 15 minutes.

Mr. MANN. Well, the gentleman is mistaken.

Mr. ROBINSON. Reserving the right to object, I would suggest to the gentleman that he take the 15 minutes.

Mr. MANN. I hope the gentleman will not object to my request.

Mr. BARTHOLDT. Let me conclude.

Mr. ROBINSON. I will not object.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Missouri [Mr. BARTHOLDT] have 30 minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. YOUNG of Michigan. I will ask the gentleman if it did not also clearly appear that if the Roosevelt delegates had been seated from the counties of Calhoun and Wayne that there still would have been a majority in the convention for Taft?

Mr. BARTHOLDT. Yes; and I am also going to show that in my statement.

Mr. SAMUEL W. SMITH. Is not the gentleman mistaken as to the total number of delegates to the Michigan convention—1,800?

Mr. BARTHOLDT. That was the number of delegates who were entitled to seats in the convention.

Mr. YOUNG of Michigan. I think you are mistaken as to the total number. It was 1,218. You are 500 to high.

Mr. SAMUEL W. SMITH. I think the gentleman is mistaken, and I think it ought to be corrected.

Mr. BARTHOLDT. I am glad the gentleman calls my attention to it. It is evidently a misprint. I shall make the correction. But that does not change in any way the argument.

Mr. SAMUEL W. SMITH. It does not change the result of your reasoning in this respect.

OKLAHOMA.

Mr. BARTHOLDT. In the third Oklahoma district the chairman of the district committee was a Roosevelt man by the name of W. S. Cochran. He knew the committee stood 12 for Taft and 7 for Roosevelt, and so when the 19 members met to make up the temporary roll of the convention Cochran attempted to prevent the majority from taking action.

Mr. AUSTIN. That was the name of the chairman?

Mr. BARTHOLDT. That was the name of the chairman.

Although the convention was to meet at 11 o'clock, he arbitrarily announced the committee adjourned until 1.30 p. m. and walked out with six of his henchmen. A motion to depose the chairman was then made and received 11 votes, a majority, and this majority then elected a new chairman and proceeded to transact the business before the committee. The convention was duly called to order on the temporary roll prepared by the congressional committee, which roll was made permanent, whereupon the two Taft delegates to Chicago were duly elected. Every county in the district was represented and voted in the regular convention. Cochran held a bolting convention in another hall, whose membership was largely made up of bystanders and idlers without credentials from any county in the district. I almost feel like apologizing to the House for taking up so much time with the discussion of contests as flimsy and frivolous as this one, but it forms part of the ground upon which the Roosevelt claims are based. I ask you, was there any alternative for the national committee but to sustain the action of the regular convention?

TENNESSEE.

In the second Tennessee district, so ably represented by my friend Mr. AUSTIN, there were 59 delegates uncontested out of a possible total of 108 in the convention. There were 49 contested. The Roosevelt contestants in the 49 refused to abide the decision of the committee on credentials and withdrew, leaving 59 uncontested delegates. These 59, a number of whom were Roosevelt men, remained in the convention, appointed the proper committees, settled contests, and proceeded to select Taft delegates. A few bolters held a meeting which they styled a convention and elected Roosevelt delegates, but being doubtful themselves about the legality of their procedure they unearthed the skeleton of a defunct committee which years before had been declared irregular, and by this means held another convention in which only a few counties were represented and which selected as delegates two men who had taken part in the regular convention formerly held.

Mr. AUSTIN. If the gentleman will permit me, I will state that a majority of the uncontested Roosevelt delegates participated in the convention that elected the two Taft delegates. They refused to go into the other, or Roosevelt, convention.

Mr. BARTHOLDT. I am glad the gentleman made that statement.

Mr. AUSTIN. Will the gentleman permit me there, in order that we may get all the facts in reference to that contest? The old committee, twice repudiated at the polls by the people and by the Republican national congressional committee, was revived. It is composed of a membership of 10, and of the 10 members 4, I understand, met and issued a call for the second convention, and of the 10 counties composing the second congressional district there were only 4 that held county conventions to send delegates to the second convention, and of the 4 counties, the largest being Knox County, the Taft men captured that convention and by a vote of about 250 to 25 refused to send delegates to the second convention.

Before I close I want to say this, that when this contest was presented to the committee on credentials——

Mr. HOWARD. I will ask the gentleman from Tennessee [Mr. AUSTIN] and the gentleman from Missouri [Mr. BARTHOLDT] to speak a little louder. The tale of this rascality at Chicago is very interesting and we would like to hear it on this side.

Mr. AUSTIN. When this second-district contest was presented to the committee on credentials at Chicago, having 18 Roosevelt men on it, I insisted upon a roll call, and of the 18 Roosevelt men on the committee on credentials only 6 voted to seat the two Roosevelt delegates from the second district of Tennessee.

Mr. BARTHOLDT. Yes. Then, in the gentleman's judgment, the action of the national committee in seating these two Taft delegates was legal and correct?

Mr. AUSTIN. Yes. Not only that, but some of the leading Roosevelt members on that committee—Gen. Capers, of South Carolina; Mr. Heney, of California; Senator KENYON, of Iowa; and Mr. Kellogg, of Minnesota, who held proxies, as I am reliably informed, stated that they voted to seat the two Taft delegates from that district.

Mr. BARTHOLDT. That is true. That statement I can confirm from personal knowledge.

Mr. AUSTIN. And this was one of the cases in which the minority submitted a report to the convention, in which they claimed that these two delegates were stolen from the Roosevelt people.

Mr. BARTHOLDT. Yes. There was not the shadow of a doubt about the validity and regularity of the first convention, and the national committee so decided by a viva voce vote.

In the ninth Tennessee district there are two organizations, one of which elected Taft, the other Roosevelt delegates. The Taft committee, however, had been recognized by the State committee as the regular organization and it was the one whose candidate for Congress had received a much larger vote than the candidate of the other faction. The national committee decided in favor of the regular convention and its delegates.

TEXAS.

By far the most interesting contests were those from the State of Texas, where for the last 10 years a political boss had maintained an oligarchy of officeholders. Nearly every one of these officeholders owes his appointment to the influence of the boss, the national committeeman and the chairman of the State committee, all combined in the one person of Col. Cecil Lyon. Under Mr. Lyon's leadership the Republican vote in the State has dwindled from 167,000 in 1896 to 26,000 in 1910, and this demoralization of the party seems to have suited the boss, as it exempted the party from a State primary law, applicable to parties casting over 100,000 votes, and thus tended to tighten the grip of a political despotism.

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

Mr. BARTHOLDT. No; I prefer to go on now.

The CHAIRMAN. Does the gentleman yield?

Mr. BARTHOLDT. I can not yield for lack of time. I must go on.

Mr. WARBURTON. But you have yielded to other gentlemen, and I simply ask you to yield to me now.

Mr. BARTHOLDT. I can not yield now.

The CHAIRMAN. The gentleman declines to yield.

Mr. BARTHOLDT. This condition of affairs prompted the national committee to look more closely into political conditions and, particularly, the methods pursued in the election of the delegates to the national convention, and it must be a matter of intense gratification to every good Republican that at last this important work was undertaken. The results of the investigation were astounding. It was found that in 99 out of the 249 counties there was no Republican organization, yet each single one was voted in the State convention upon proxies which the postmasters had sent to Mr. Lyon. Naturally it was an easy matter for the boss to control every State convention by means of those bogus proxies when the total vote of the convention was only 248. Lyon and his machine were for Roosevelt and called themselves "regular"; but if the word is applicable at all, it is clearly an illegal regularity.

The national committee decided—and both the committee on credentials and the convention sustained the decision—that these 99 counties in which the Republican vote was but 2,000 and in which there was no Republican Party, no convention, no primary, no organization, was not the proper source for a proxy to give a vote equal to that to be cast by the other 146 counties in which primaries and conventions were held by regular Republican organizations. These proxies were therefore held to be illegal and not the basis for proper representation. It was decided to deduct the 99 votes from the total of 245 and give the representation to those who controlled the majority of the remainder. The remainder was 152 votes, and out of that the Taft men had carried 89 counties having 90 votes. This gave to the Taft men a clear majority in the State convention, and with it 8 delegates at large to the national convention.

The contests from nine Texas districts in which either the Taft or the Roosevelt men were contestants were heard separately by the committee, and close attention was given by all the members in order that exact justice might be done.

The Taft delegates from the first district were seated by a unanimous vote; hence it is unnecessary to go into details. The Roosevelt members on the committee, in other words, conceded the election of the Taft men, but Mr. Roosevelt insists that the delegates were "stolen."

In the second district, too, the Taft delegates were seated without a division being asked for by the Roosevelt members of the national committee. The convention which elected the Taft delegates was held to have been the regular one.

The contest in the fourth district was also decided in favor of the Taft delegates without a division. The convention which elected them was composed of practically all the regularly elected delegates.

In the fifth district the Roosevelt chairman refused to entertain a minority report touching the basis of representation in the convention. He abandoned the platform and left the hall, seeing that the majority was against him. Thereupon the convention went through its regular business and two Taft delegates were elected, by a vote of 8 to 3, according to county representation. The Roosevelt men later held a meeting, but the national committee recognized the regular convention and not the bolt of a minority.

In the seventh district there are four counties without proper party organization. Col. Lyon had assumed to appoint county chairmen in two of them, but the executive committee, meeting at Galveston prior to the convention, refused to recognize the delegates from any of those unorganized counties. Thereupon one delegate from Fulton County and the alleged representatives of the unorganized counties held a bolting convention, which the national committee refused to recognize.

In the eighth district convention a split occurred over the majority and minority reports of the executive committee as to the temporary roll. The Roosevelt followers controlled the executive committee, but did not have a majority in the convention, which adopted the minority report and gave Taft 5½ votes and Roosevelt 2½ votes. This resulted in the election of the Taft delegates, who were seated by the national committee.

In the ninth district the chairman of the committee refused to call a meeting because he claimed his superior, Col. Lyon, had directed that all district delegates should be elected by the State convention. Thereupon a Mr. Speaker, a member of the committee, called a meeting, attended by seven members, which issued a call for a district convention to be held May 15. Eleven counties out of fifteen responded to the call and took part in the convention, three being unrepresented. Taft delegates were elected. Then the chairman, having changed his mind, also called a meeting of the committee, and at that meeting a congressional convention was called, to meet on May 18. But the call was not properly published, and therefore the committee decided that the regularity was on the side of the Taft convention.

In the tenth district the undisputed evidence indicated that a flagrant attempt had been made to deprive Taft of this district, to which he was justly entitled. Two members of the district committee had acted in bad faith in the seating of delegates, and one of them misused the proxy intrusted to him. The Taft delegates therefore organized another convention, with delegates from six counties, which transacted its business in a legal and proper way. The Taft delegates were seated, and the case was not appealed to the committee on credentials.

When the committee of the fourteenth district met at San Antonio there were 10 members present whose right to act was undisputed. Six of them were for Taft and 4 for Roosevelt.

There were 4 other Roosevelt men present who were clearly not entitled to act, 1 of them holding the proxy of a dead man and the other 3 being postmasters who, under the law of Texas, could not serve as members of any political committee. There was a contest from Bexar County, which contains the city of San Antonio, but the testimony was overwhelming that Taft had carried that county by nearly 5 to 1. On the proper basis the total vote in the district convention was 67, of which the number instructed or voting for Taft was 37½, the number voting or instructed for Roosevelt 28½, not voting 1. Therefore, the Taft delegation was seated by the national committee.

WASHINGTON.

The claim to the delegates at large of the State of Washington was looked upon by the Roosevelt people as their star contest, and I remember well how they cast triumphant glances over to the Taft members while counsel was presenting their side of the controversy. But I also remember how completely crushed was their spirit and what pitiful pictures of collapsed human specimens they presented after the counsel for the Taft side, a brilliant attorney, by the way, had finished his argument. He had left nothing of the Roosevelt case but a memory, and when the committee gave the 14 delegates (the 8 at large and 6 from districts having been consolidated) by a viva voce vote to Taft the Roosevelt adherents, instead of raising the anticipated howl about robbery and theft, meekly took their hats, as adjournment immediately followed, and noiselessly left the hall, together with the Taft members.

Having taken a seat in the front row I was careful that not a particle of the evidence from either side escaped my attention. The majority in the State convention depended upon the recognition of either the Taft and Roosevelt delegates from Seattle or King County.

Mr. WARBURTON. Mr. Chairman, will the gentleman yield there?

Mr. BARTHOLDT. No. There can not be any contention about this. I am stating only the facts.

Mr. WARBURTON. I wanted to suggest one or two things in connection with it.

Mr. BARTHOLDT. When I get through I will give the gentleman the floor; when I get through with the State of Washington, I mean.

The contention of the Roosevelt people was that the county committee had ordered a primary at which their delegates had been elected by about 6,900 votes, that the primary had been properly called and that its result made theirs the legal delegation. The facts, however, as developed by undisputed evidence, were as follows: Under the State law of Washington county committees have the power to either select delegates directly or to call primaries for the purpose. In King County (Seattle) the committee consisted of 250 men from 250 precincts, the majority of whom were for Taft, and that majority, acting through its executive committee, selected the Taft delegates to the State convention.

Mr. WARBURTON. Mr. Chairman, may I interrupt the gentleman there?

The CHAIRMAN. Does the gentleman yield?

Mr. BARTHOLDT. I am stating absolute facts and I do not want to be interrupted. I am stating facts that can not be disputed by anybody.

Mr. WARBURTON. I am undertaking to dispute the facts stated by the gentleman, which I know to be untrue.

The CHAIRMAN. The gentleman from Missouri refuses to yield.

Mr. BARTHOLDT. Meantime the city council of Seattle, by redistricting the city, had increased the number of precincts from 250 to 381, but at a general meeting of the county committee it was resolved that representatives to fill the 131 new precincts should not be selected until an election was held in September, 1912. In spite of this conclusion, the Roosevelt chairman of the committee who had himself presided at that meeting and not dissented, assumed the right to appoint 131 new committeemen, and with those voting it was claimed a primary was ordered. And remember that this was long after the committee had already selected the delegates to the State convention. Even the fact of the primary having been ordered is strongly questioned, because of the confusion prevailing at the meeting, but this is unimportant in view of the illegal action of the chairman.

The Taft men protested against this high-handed proceeding of constituting an illegal majority and refused to take part in the primary at which, as a consequence, only 3,000 votes out of a total Republican vote of 70,000 were cast, according to the newspapers. The national committee held, and properly so, that it was beyond the power of the chairman to add 131 precinct men to the old committee; as his authority to fill vacancies applied only to such places which became vacant after they had been filled. The fact is that nearly all precincts had been changed; consequently if the 131 new precincts were to be filled the entire number of 381 precincts must be filled. When the King County contest reached the State convention, the State committee, in preparing the temporary roll, decided that the Seattle primary election was irregular and illegal and seated the Taft delegates, whereupon the Roosevelt men bolted and held a separate convention. This is the much-advertised Washington contest in a nutshell. It is the duty of the national committee to sustain party regularity and legality in the selection of delegates. What else, I ask you, was there for them to do than to seat the Taft delegates from Washington?

Mr. AUSTIN. Before the gentleman leaves the consideration of the Washington contest will he yield to me for a moment?

The CHAIRMAN. Does the gentleman from Missouri yield?

Mr. BARTHOLDT. Yes.

Mr. AUSTIN. Just in order to clear up a matter. When the gentleman was discussing the California case and the irregular action of the Roosevelt people in selecting all the delegates from the State at large, the gentleman from Washington [Mr. WARBURTON] said that the custom in the State of Washington was to elect all the delegates from the State at large and not from the districts. I wish to state that I have examined the Congressional Directory for 1904, just prior to the Republican national convention of eight years ago, and the Congressional Directory just prior to the national convention of 1908, and it appears from this record that every Congressman from the State of Washington was elected from the State at large and not from districts, and hence under the call it was right and proper and in line with the action and the practice of the national committee to elect all delegates from the State of Washington in 1904 and 1908 from State conventions and not from district conventions.

Mr. WARBURTON. I am not quite certain, but I think about eight years ago that was the case.

Mr. BARTHOLDT. I decline to yield further.

The CHAIRMAN. The gentleman from Missouri declines to yield.

Mr. BARTHOLDT. I want to say, in answer to the question of the gentleman from Washington [Mr. WARBURTON], propounded a little while ago, and in answer to the suggestion of the gentleman from Tennessee [Mr. AUSTIN], that so far as the merits of this contest are concerned, it is absolutely immaterial how those delegates are elected. The manner of their selection, by districts or by the State convention, has nothing to do with the merits of this case.

Mr. AUSTIN. Yes; but the point that the gentleman from Washington [Mr. WARBURTON] was endeavoring to make was that in the discussion of the California case the gentleman from Missouri [Mr. BARTHOLDT] was stating that the people of California had no right, in violation of the call of the national committee, to elect all the delegates in the State at large. Then the gentleman from Washington [Mr. WARBURTON] called attention to the fact that in his State it had been customary to elect them all from the State at large, and not from districts; and in answer to his statement I call attention to the fact that there were no districts in the State of Washington, but under that call it was their duty, and the only way, to elect delegates from Washington from the State at large and not by districts.

Mr. WARBURTON. Certainly, the gentleman will yield to me now, just at that point?

Mr. BARTHOLDT. I can not yield.

The CHAIRMAN. The gentleman does not yield.

Mr. WARBURTON. As a matter of fact, the gentleman does not want to yield to me at all.

The CHAIRMAN. The gentleman from Missouri declines to yield.

Mr. CANNON. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. CANNON. The gentleman from Missouri [Mr. BARTHOLDT] says he declines to yield, and the gentleman from Washington [Mr. WARBURTON] makes an assault upon him.

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] has the floor. If a gentleman on the floor is interrupted and the gentleman making the interruption does not address the Chair, and the gentleman on the floor permits the interruption, the Chair is powerless.

Mr. BARTHOLDT. Mr. Chairman, this completes my review of the contests. It shows conclusively that every one of the 72 delegates whose right to seats in the convention is questioned by Mr. Roosevelt was honestly seated and justly entitled to take part in the work of the national convention as a legal representative of the Republicans of his State or dis-

trict. The decision of the national committee was in each single instance sustained by a two-thirds majority of the committee on credentials appointed by the convention, and finally by the convention itself. Since the convention has spoken and assumed responsibility, the scurrilous charges hurled against the national committee really signify a wholesale indictment against the Republican Party itself; hence the Republican who, with the record before him and in spite of it, continues to talk of "tainted delegates" and an "illegal nomination" is no longer attacking individuals, but is befouling his own nest. And more than that. A careful scrutiny of that record will convince him that if he wishes to leave the Republican Party he must leave it for other reasons than the malicious slanders about "stolen delegates," for, readily assuming the burden of proof, that party has successfully and forever purged itself of that infamous charge. It has bravely faced a great crisis, perhaps the greatest in its wonderful history, and forcing into the open and vanquishing its detractors and secret enemies, it was able, with providential aid, to emerge from the depth of distress with immaculate hands, a clear conscience, and a beneficent new-born program vouchsafing to the American people, as a logical sequence of its glorious record, progress and peace, protection and prosperity. Is there a true Republican in the land who will not heartily rejoice at this great moral victory?

Now, Mr. Chairman, I shall not refer to the slurs of men who have grown tired of their party affiliation, and who, if "convinced against their will, would be of the same opinion still," nor shall I take notice of the unjust denunciations audaciously reiterated on this floor a few days ago to appease a troubled conscience, but I do deem it proper and timely to throw some light on the political situation by examining the fingers which are trying to throttle the Republican Party. When we are unjustly assailed we have a right not only to defend ourselves, but to inquire into the motives of the assailants. Let me open up the inquiry with this question: Do you believe the national committee would have devoted 10 days to their most painstaking and exhausting work if they could have realized that there was to be but one real Republican candidate before the convention? Many delegates had their misgivings at the time. They remembered that in the widely advertised Columbus speech the name Republican was not even mentioned, but they still felt confident that no man would have the audacity to ask for a presidential nomination at the hands of a Republican national convention when at heart he was no longer a Republican. In the light of later events we know, of course, that this was a case of misplaced confidence, in other words, that Mr. Roosevelt never intended to abide by the decision of the convention except he himself would be the nominee. We know now that it was an ordinary holdup, not even without the customary threat "Your purse or your life!" "Give me the nomination or I'll kill you." Yes, and we can go further and say, when the third-term candidate made up his mind to violate all American traditions of political decency and go to Chicago, at that very moment he knew he was beaten, but expected to save the day by personal appeals to the delegates through persuasion, promises, coercion, or threats.

But he came with treachery in his heart and fully determined to bolt if things went against him, hence we are forced to the conclusion that, whatever its decisions on the contests, the national committee would have been condemned in any event except these decisions had resulted in his nomination. The cry of fraud was premeditated, and the shameless ejaculation "Thieves!" with which he shocked his audience on his entrance into Chicago was the battle cry of the new party. There could be no other, for principles and policies were forgotten, and if himself nominated, believe me, he would have made the race on any old platform, with his frantic followers shouting "Hosanna!" There was no more effective means to undermine the old party than to defame its character. In order to put a new party on its feet it became necessary to run down the old one. Certainly no sane citizen will desert his party and all its happy associations as long as he has confidence in it, hence that confidence had to be destroyed. What was there more convenient than to seize upon the contests as the handiest "big stick" for the work of destruction? If the national committee had heeded the injunction "Thou shalt not steal except for me!" all would have been well, but its determination to do its work conscientiously brought all the prearranged plans of party treachery to full fruition. A new party was born, but is it not bound to be stillborn? Can a party live or ought it to live when its birthright is a lie?

The national committee is not entitled to any credit for the faithful performance of its duty, but I predict that the time will come when the people will thank God its members could not be swayed by popular clamor and had the courage to settle all controversies strictly in accordance with the facts and the evidence.

Mr. Chairman and gentlemen, it is for you and not for me to say whether in my 20 years of service in this House I have established a reputation for veracity, but from a most intimate knowledge of the facts and the evidence I again assert upon my personal honor and I am willing to reiterate it before my Maker that there was not a single delegate in the Chicago convention who was not fairly entitled to a seat therein, and that consequently President Taft was honestly nominated. [Applause on the Republican side.]

During the delivery of the foregoing,

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MANN. I ask that the gentleman may have 15 minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Missouri may have 15 minutes more. Is there objection?

Mr. ROBINSON. Reserving the right to object, I wish to inquire how much time has been allotted for this general debate.

Mr. MANN. Until half past 3 o'clock.

Mr. ROBINSON. I understand there are gentlemen on this side of the House who wish to speak.

Mr. MANN. I think all gentlemen on that side have been arranged for.

Mr. ROBINSON. I will not object.

Mr. WARBURTON. The gentleman has refused to allow me to interrupt him, and I will object.

The CHAIRMAN. Objection is made.

Mr. MANN. I hope the gentleman from Washington will not do that.

Mr. BARTHOLDT. I am perfectly willing to yield to the gentleman from Washington at the end of my remarks. I told the gentleman I would be willing to yield to him then.

Mr. WARBURTON. Let the gentleman proceed.

The CHAIRMAN. The gentleman from Washington withdraws his objection.

Mr. KINKEAD of New Jersey. Mr. Chairman, how long has the gentleman from Missouri been addressing the committee?

The CHAIRMAN. The gentleman has occupied the time of the House for an hour and a half.

Mr. KINKEAD of New Jersey. And we vote at half past 3?

Mr. MANN. We do not vote at half past 3, but the general debate will be closed at that time.

The CHAIRMAN. Under the order which has been agreed to, the general debate closes at half past 3.

Mr. KINKEAD of New Jersey. The gentleman from Arkansas [Mr. ROBINSON] stated the proposition correctly when he said that there were a number of gentlemen on this side of the aisle who wished to speak this afternoon.

The CHAIRMAN. The Chair has been approached by several gentlemen who desire time. The Chair states that in answer to the inquiry of the gentleman.

Mr. KINKEAD of New Jersey. Do I understand that the extension of the time of the gentleman from Missouri for 15 minutes will shut out any gentleman on this side of the House?

The CHAIRMAN. It will certainly consume that much of the remaining time.

Mr. JAMES. I understand the unanimous consent has been given.

Mr. KINKEAD of New Jersey. No; I am withholding my objection.

The CHAIRMAN. The gentleman from Washington [Mr. WARBURTON] withdrew his objection. Is there objection?

There was no objection.

[Mr. BARTHOLDT resumed and concluded his remarks.]

Mr. HOWARD. Mr. Chairman, for the last few days I have been listening with a great deal of interest to the distinguished gentlemen on the other side of this Chamber in their efforts to justify the conduct of the present administration in the procurement of delegates at Chicago and also other gentlemen in their attempt to justify the conduct of another candidate who sought to procure delegates at Chicago.

When the American people first saw in the public press the reports of the outrageous conduct being carried on at Chicago in the struggle for these delegates they were slow to believe that any such conduct could take place between two men with such distinguished careers as the present President of the United States and the ex-President. For myself, I did not want to believe that such conduct could take place in any convention or in any assemblage in the United States of America. At first I did not believe all of the press reports of the conduct carried on there. But since the gentleman from Wyoming [Mr. MONDELL], the gentleman from Nebraska [Mr. NORRIS], the gentleman from Missouri [Mr. BARTHOLDT], and other gen-

tlemen on the other side have stood up here on the floor of this House with carefully prepared manuscripts and verified every statement made by the papers as to the conduct and the practices of the "machines" in their efforts to procure delegates at Chicago and those individuals who were in charge of the campaigns of Mr. Roosevelt and Mr. Taft, of course I can no longer say that I do not believe those reports.

Gentlemen on that side of the Chamber say that Mr. Taft bought or stole his renomination. I do not believe he did anything of the sort. I do not believe he bought his delegates with money. I can not believe that such corrupt practices as that would be used by a President of the United States. I do not believe that these gentlemen on the other side ought to make a scapegoat of the negro delegates from the South. I rise in my place to defend the Georgia nigger as much as anything else. [Applause.]

They say on that side that these delegates were of a questionable honesty, that these conventions held in Georgia, Alabama, Mississippi, and Texas were irregular conventions. Why, Mr. Chairman, there was nothing irregular about them. They were conducted in the same way that the Republican Party has been treating the negro in the South ever since the war. They got these delegates to Chicago by the same well-oiled machine that they have been using ever since the days of reconstruction—by the Federal patronage route.

Now, I say they did not buy these delegates, and they did not have to steal them, for no man can commit a larceny upon his own property. Mr. Taft's managers had nothing to do with that; but I will tell you how they got them and how they have been getting them.

As a matter of fact, there are not, never have been, and, thank God, never will be enough Republicans in the State of Georgia or the South to count. The only delegates from Georgia who deserted Taft at Chicago were white delegates. One of those white delegates has held a Republican office for 16 years in the district that I have the honor to represent. He has been drawing a salary from the Federal Treasury of $5,000 a year. He went up to Chicago and he deserted the President, and went into the convention and voted for the gentleman who recently emerged from the jungles of Africa dragging a he tiger by the tail and a bull elephant by the snout. [Laughter.]

Mr. Chairman, there must be some reason for a man of the intelligence of this man voting for Mr. Roosevelt, and I will tell you why he did it. I know him personally. He voted for Roosevelt because he knew that the election of Mr. Taft was absolutely impossible in November, he had nothing to lose, and he was out on a limb and it did not make much difference which way he jumped. He thought that ex-President Roosevelt by going throughout the country proclaiming from every stump that the bosses of this country were ruling it, and that they had the convention packed and stacked against him would make the American people listen to him, and that probably he would stand a chance of election. But now he has ruined his chances for election by going up here to Pittsburgh and selecting a manager and side partner, the man who did the work for him in Pennsylvania; and who did he get? He got a man by the name of Bill Flinn. I was in Pittsburgh in 1907 upon a visit. They carried me away upon a hill where the aristocrats live, and they pointed out to me a residence and they would say, that is owned by Mr. So-and-so, he is worth one hundred millions; he made it in steel. Then they would point out another one and say, that man is worth fifty millions, and he made it in steel.

Mr. BUCHANAN. S-t-e-a-l?

Mr. HOWARD. S-t-e-a-l and s-t-e-e-l, both. Finally they came to a magnificent residence and pointed it out to me and said, "That is hog wallow." I said, "What?" They said, "That is hog wallow." I said, "Who lives there?" And they said, "Bill Flinn, the municipal contract boss of Pittsburgh, lives there." They said that he was reputed to be worth millions, and that all of the money that he had made was made out of controlling the contracts for public work in the city of Pittsburgh. Roosevelt has written his O. K. on him, and the Colonel says that he is all right.

Why did Taft and Roosevelt fall out, and what did they fall out about? Just a few months ago they were calling each other "Dear Bill" and "Dear Theodore." They were consulting over the Canadian reciprocity act; they were the best of friends. One was saying what the other did was all right, and the first thing you know they had a fuss, and they fell out and then finally the ex-President said to himself, "I have got to vindicate myself, and the only way I can do it is to run against my good old friend Bill whom I made President three years ago." So he started out, and the first thing he did when he started out was to abuse the President. The President replied by saying, "I never did do a thing, Theodore, since I have been President, that I have not consulted you about, and you have always approved of everything I did." He further said, "You ought not to fall out with me; you know you made me what I am." But, Mr. Chairman, the Republicans had realized that they had to fool the people, and the best man on this earth to fool them with was the ex-President. They knew that he was the only man living who could rate the millionaire and the pauper side by side and make the pauper believe he loved him better than the millionaire. They thought that probably he could keep the Republican Party together, and if he could not they could have an excuse and go before the country the next session and say, "Well, if it had not been for Taft we would have won," and the Taft followers could say, "If it had not been for that fellow Roosevelt, we would have won." They expected to "come back" four years from now and rehabilitate the Republican Party and get into power again.

Mr. Chairman, this is the first time in the history of this country that a man like the gentleman from Wyoming [Mr. MONDELL], one of the most distinguished Members of this House and one of the greatest leaders in the Republican Party, has been called upon to get up on the floor of this House and defend a Republican nomination. The gentleman from Nebraska [Mr. NORRIS] got up and denounced the action of the Taft followers in the late convention, calling them thieves, robbers, and so forth. He then proceeded to defend the action of Mr. Roosevelt at Chicago. Mr. Chairman, I have some information from one of the negro delegates to the effect that if the banks in Chicago and the banks all over this country would keep a sharp lookout they would see passing through their institutions many brand-new $500 and $1,000 bills that had been torn exactly in half and neatly pasted together in the middle. The history of these mutilated bills is not only unique but very interesting.

I am told that the bull moose delegate "herders" would approach a poor southern negro and pull from his pocket in a very indifferent manner a large roll of nice, new yellow-backed bills, and say to him, "Ephraim, I want to see you a minute. Ephraim, six of the leading white delegates from your State have come over to us, and they are all going over in the morning. Now is the day of your salvation. If you do not come now, you are going to miss the best opportunity you ever had in your life to get a big pile of money and get on the band wagon at the same time." And with this statement he just tore that thousand dollar bill in two, and the idea of tearing up money before Ephraim shocked his nervous system and he fainted. [Laughter.]

They had money there to tear up, and Ephraim could not stand it. When he came to this white man said to him, "Ephraim, you go into the convention in the morning and vote for McGovern, and here is half of this bill, and just as soon as you vote for him I will see that you get the other half." Ephraim did not have much confidence in half a bill, and he thought they were fixing to get him into the penitentiary and refused. He said, "No, boss, I got to see one of the gentlemen here before I do that," and he went to him and told him what had happened, and of course this man told him that he must not do it, and he kept an eagle eye on Ephraim ever afterwards.

This same nigger delegate tells me that another thing happened. The Taft managers had a lot of these Georgia darkies in a large room, called by the Republican managers the "bull pen," and one of them had been giving one excuse after another to get out. Every time he would say he wanted anything, somebody would go and get it for him. They thought the best thing to do was to keep him locked up. Finally he gave a very plausible excuse, and told them that he would not be gone more than about five minutes if they would let him out. They told him to go out and they let him out with a delegate from my district to watch him, but in some way or other in the crowd he evaded this man, and got lost from him and was gone about an hour and a half. He came back somewhat under the influence of what the darkies call down in my State "blue-steel corn." He fell on a cot and soon went to sleep. The official "herder" of these delegates, who was a very smart darky, said that the best thing to do was to search that nigger, for he had been up to some devilment, having been off too long. He was serenely sleeping on this cot and they proceeded to search him, and the first thing they ran across, carefully tied up in a red silk handkerchief, was a brand-new $500 bill, and they took it away from him.

He tells me they have got that bill yet, and the President got his vote the next morning, and you are going to hear from that bill in this campaign, gentlemen, I put you on notice, especially those of you who think your candidate was so saturated with the holy water of Republicanism that he could commit no wrong.

Mr. HUMPHREYS of Mississippi. Did he have both halves?

Mr. HOWARD. This delegate had the whole bill. They bought him lock, stock, and barrel on the spot, and he agreed to deliver the "goods" the next morning. Now, when one of these candidates charges corruption against the other, it is like the pot calling the kettle black. Now, I said in the outset Mr. Taft did not buy his nomination with money.

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

Mr. HOWARD. Yes.

Mr. MONDELL. Do I understand the gentleman from Georgia intimates the $500 was paid in whose interest?

Mr. HOWARD. In the interest of the bull moose candidate.

Mr. ROBINSON. And in whose interest was the torn bills given?

Mr. HOWARD. That was in the interest of the bull moose party also, so I am informed. I do not want to whitewash either of your candidates. You gentlemen have been seeking the truth, and it has been left for me to tell the whole truth *about that* convention, and I am going to give it to you.

Mr. HUMPHREYS of Mississippi. The gentleman said a good deal about the conduct of the negro delegates at this Republican convention. Does not the gentleman think the negro delegates from the Southern States at this Republican convention behaved themselves about as well and as properly as the same number of white Republicans from the South would have behaved themselves?

Mr. HOWARD. I just stated that the negro delegates to the Republican convention, those who went there for the President and those who went there for Mr. Roosevelt behaved themselves better than the crowd of white men who went there to control them. [Laughter.] Now, Mr. Chairman, I say that the present administration did not——

Mr. MONDELL. Is not it true in spite of temptation—and I judge from what the gentleman says there were some temptations—the colored delegates of the South, practically all of them voted according to their instructions?

Mr. HOWARD. Why, certainly; they had heard their "master's voice" before they left home.

Mr. AUSTIN. How about Banks, a delegate from your district?

Mr. HUMPHREYS of Mississippi. What do you mean?

Mr. AUSTIN. Did not he violate his instructions?

Mr. HUMPHREYS of Mississippi. I said the negro delegates from the South behaved as well as the same number of white Republicans from the South would have behaved. I did not refer to Tennessee—simply in Georgia, Alabama, and those Southern States.

Mr. CONNELL. From the remarks the gentleman from Wyoming made the other day and what we have heard this last week of this particular convention it would appear that there was nobody behaving himself.

Mr. AUSTIN. I think the record will show that a greater number of white delegates from the South deserted President Taft than colored delegates. I know of two from the State of Alabama and two from Virginia.

Mr. HOWARD. Did not I say that as plain as I could use the English language?

Mr. AUSTIN. And the two white men from Alabama were postmasters.

Mr. PROUTY. I would like to inquire whether the gentleman considers that the colored delegates from the South to the Chicago convention demeaned themselves any better or any worse than the fellows from the South at the Baltimore convention.

Mr. HOWARD. Why, Mr. Chairman, the Baltimore convention was the most harmonious convention ever held in the history of this country. Why, the police force made the nomination at Chicago possible. You Republicans would not have a candidate at all if the police had not have knocked down a delegate every five minutes, while we got together and nominated one of the greatest men this country ever produced to bear the standard of our party, and what we will do to you in November will be a plenty.

Mr. SIMS. Will the gentleman yield?

Mr. MOORE of Pennsylvania. Will the gentleman yield?

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

Mr. HOWARD. I yield to the gentleman from Pennsylvania.

Mr. MOORE of Pennsylvania. I think the gentleman wants to get Pennsylvania into this?

Mr. HOWARD. I do; she is already in it.

Mr. MOORE of Pennsylvania. I want to ask the gentleman one or two questions, if he will permit. Can the gentleman point to any congressional district, precinct, or division in the State of Mississippi in which the colored delegates from that State to the Republican convention voted the Republican ticket at the last general election?

Mr. HOWARD. In answer to that I must confess my ignorance of politics in Mississippi. I do not know what they did there in Mississippi, but I know that Mississippi is represented in this House by her most distinguished citizens, and they can answer any question concerning Mississippi. [Applause.] I am here to defend the Georgia negro, and that is what I got up for.

Mr. SIMS. My question comes in at that point.

Mr. MOORE of Pennsylvania. I will ask the gentleman about his own State. Can the gentleman indicate any particular precinct in his own district in which these colored Republicans voted at the last election?

Mr. HOWARD. Well, very few of them voted; very few, indeed.

Mr. MOORE of Pennsylvania. One more question: Does not the gentleman think it is due to the House and to the country that this $500 man to whom he refers should be named and located so that proceedings might be taken——

Mr. HOWARD. I anticipate the question. I think he will be named, and I think some of that crowd over there on your side is going to name him, from what I hear. I think one officeholder under the present administration, who, drawing $5,000 a year from the Federal Treasury, has an affidavit from that man. Why should I become a witness against Republican debauchery in their conventions when we have so many witnesses who have already testified to the truth of the assertions I now make? We do not need to prove these statements. You have confessed to their authenticity.

Mr. MOORE of Pennsylvania. Does not the gentleman think it is fair, if he has information of that kind, that he should name the bribers and name the bribee, so that proceedings might be brought against them?

Mr. HOWARD. You will get all of that. You may hear from that more than from anything else, and from your own crowd, too.

Mr. MOORE of Pennsylvania. That is something we want to know. We want to be fair on this side.

Mr. SIMS. The gentleman has defended his Georgia negroes and others for not yielding to temptation. I want to ask how they or any other individual can be tested as to temptation when they keep them locked up so nobody can tempt them?

Mr. HOWARD. Well, they have had past experiences at these conventions. And I suppose at these big conventions, where there is so much turmoil and so much money and corruption, the best thing to do is to keep these delegates locked up; and I think it was a wise thing to lock up the Georgia delegates, and the Tennessee delegates, the Mississippi delegates——

Mr. AUSTIN. I beg the gentleman's pardon. The delegates from my State were not locked up.

Mr. HOWARD. Well, Mr. Chairman, from the conduct of some of them they ought to have been locked up. [Laughter.]

Now, Mr. Chairman, I have been very liberal in yielding to these gentlemen——

Mr. SIMS. May I finish my question? What does the gentleman think of any party that selects delegates to the national convention in whom they have no confidence and have to keep them under lock and key?

Mr. HOWARD. I think that the place for my friend and for me to express any opinion as to that will be on the stump this year.

Mr. CANNON. What does the gentleman think of any party that allows one man from Nebraska, William J. Bryan, after eight majority votes cast for another candidate, to demand that the majority give way? If the gentleman will address himself to that a little while, he will clean his own house.

Mr. HOWARD. I will say to the gentleman from Illinois [Mr. CANNON] that the distinguished gentleman from Nebraska, Mr. Bryan, did exert quite an influence at the Baltimore convention. It is to be expected that any man who has enjoyed the confidence of six millions of American voters would wield a wonderful influence in any convention. Whatever may have been his motives, there are those in our party who give him credit for being absolutely sincere. Of course, Mr. Bryan is a great statesman; he is very close to the masses of our people; and if we should follow Mr. Bryan we may do right, and you would promptly say that we do wrong. We do not try to please you in our conduct at conventions. [Applause on the Democratic side.] If we tried to please you, we would not have any hope of being in power in November. [Applause on the Democratic side.] Because of the fact that instead of trying to please you we try to please the great masses of the American people—we are going to be in power next March. While we have forgotten that we ever had any other candidate than the nominee; that great statesman; that man who makes no boasts

of what he is going to do, but does it; that man who wears no yoke of a boss; that man who has proven his faith in the masses of the people by placing them in control and overthrowing every man who looks like a boss. While you standpatters and "Bull Moosers" are over there daily shaking your fists in each other's faces, yelling thief, robber, thug, and using sweet and mellifluous epithets.

Now, let us see about the conduct of the present administration at Chicago. I said they did not buy delegates with money. What has been the policy of the Republican Party in the South? You talk about a machine, you talk about crushing the life out of people that do not agree with you; what chance has any candidate of your party in the United States to get a single vote against the administration in power in the South unless they buy them lock, stock, and barrel?

Mr. MANN. If we could get a fair election, we would have many chances.

Mr. HOWARD. What did the gentleman say?

Mr. MANN. I say that if we had a fair election we would have plenty of chances.

Mr. HOWARD. A fair election? You have not any right to talk about fair elections. [Applause on the Democratic side.]. God in heaven knows if there is anybody on the floor of this House that ought not to talk about popular elections it is the gentleman from Illinois [Mr. MANN], who hails from Chicago.

Mr. MANN. Where the Democrats run the election machinery.

Mr. HOWARD. I want to say a few words as to how these delegates came from the South instructed. I noticed one thing in this campaign, and I expect every Democrat on the floor of this House noticed it, and that was the absence from the councils of the stand-pat Republican Party's advisers of one Hon. Frank H. Hitchcock. The Post Office Department was the delegate machine of this administration. You could not have thrown a pigeon egg on the floor of that convention at Chicago without bursting on the head of a Federal officeholder. Mr. Chairman, I want to say here and now that the conduct carried on in the South in the appointment of postmasters, in the demotion of postal employees, in the promotion of postal employees, is a disgrace to a great Nation like ours. They have taken an honest, faithful public servant, and because of the fact that they could not dictate to that man his political affiliation they have dismissed him from the service on trumped-up charges by what they call "inspectors," or they have demoted him to the extent that his wife and children suffered for bread and he had to leave the postal service.

Now, let us see who these delegates were from the Southern States at Chicago. The gentleman from Nebraska [Mr. NORRIS] the other day, in giving a list of the delegates there, gave a correct and truthful version of the political status of these delegates in Chicago. Why, I have a Republican white postmaster in my district that spells "come" with a "k." He could not write his name so that any man on the floor of this House could read it, unless the Member knew whose signature it was. He is a man who has been noted for nothing else but his great control over the negroes in that particular county. And yet that man is a postmaster in that district, and in a town of over 1,800 inhabitants, and he is left there to wait on my constituents. But he could not do that. He could not make out a receipt for a money order; he could not make out a receipt for a registered letter; and, consequently, the postmaster of this town is his daughter. And this man is one of the bosses down there, and his chief associates are a crowd of these poor, ignorant darkies who believe that they will get something some day at the end of the Republican rainbow.

Mr. ADAMSON. Will the gentleman allow me?

Mr. HOWARD. I will yield to my colleague.

Mr. ADAMSON. I understand the gentleman to be proceeding with absolute impartiality as against the bull elephant and bull moose?

Mr. HOWARD. Absolutely.

Mr. ADAMSON. And I wish to call your attention to the fact that there must be a mutual misunderstanding between you and the gentleman from Illinois [Mr. MANN], who sought to interrupt you a moment ago. You said they could not procure any delegates from the South without buying them. The gentleman from Illinois said they could if they would give them fair elections. You were talking about the selection of delegates to the Republican convention?

Mr. HOWARD. Certainly.

Mr. ADAMSON. Who is responsible if they do not have fair elections in those sections? Do the apocryphal ballot-box stuffers and bulldozers have anything to do with it?

Mr. HOWARD. Nothing in the world. If you did not get an honorable delegation in Chicago, it is because the honorable Frank Hitchcock snapped a cap and his gun did not go off.

Why, just a day or so before the Chicago convention appointments in the State of North Carolina were sent to the Senate for confirmation by the President. All at once we see him hastily withdraw them. The bull moose had cast his shadow in the old North State. Would these appointees stand the test? Some doubt must have been in the mind of the President. He was like the man who approached "Ephraim"; so he decided that it was safer to make these appointments after the convention than before. The goods were delivered, so the appointments were made.

You have got no right to complain about these delegates at Chicago from Georgia or from any other Southern State. You already had them. They were bought and paid for with Federal patronage to the great detriment of the postal service of this country; and a long-suffering public has said, "We have got enough of incompetent service, and we are going to put somebody else in your place." [Applause on the Democratic side.]

Now, I say that you bought the Taft delegates with Federal patronage, and there is not a man on that side who will deny it.

Mr. AUSTIN. I want to say to the gentleman, if his remarks have reference to delegates from the second district of Tennessee, that he is grossly in error.

Mr. HOWARD. At the very outset of my speech I took particular pains to except the second district of Tennessee. [Applause.] No corruption, no taint on honesty, could exist with such a man as the gentleman from Tennessee [Mr. AUSTIN], who represents that district, living in it. [Applause.]

Oh, no; the gentleman will get right some day. He is engaged in bad business. But I see, sometimes, when the gentleman votes for the Wool Trust and for the Cotton Trust and for all these big octupuses, that he is ashamed of his work. I can see that the gentleman blushes when he does it, but he will get right. Tennessee, unfortunately, split up 50 years ago, and she has been split up ever since. But she is getting nearer and nearer together now, and in a few years the gentleman from Tennessee will look back upon the history of the old second district and say, "My God, what a mistake I did make when I represented that district as a Republican!" [Laughter.] Oh, how prosperous you would be if you were just a Democrat! [Laughter.]

Now, gentlemen laugh over there. The gentleman from Wyoming [Mr. MONDELL] defended the present administration the other day. I could not help thinking about that distinguished gentleman. How eloquently he pleaded for the administration! He said that everything done at Chicago was perfectly regular and legitimate. The idea of the President of the United States and the men representing him at Chicago stooping to do anything that was not fair! And then I remember how the gentleman pleaded for sheep last summer; how he pleaded for protection on wool; how he talked about the absolute necessity for this outrageous protection on all these woolen goods, and how little he said about the poor, shivering women and children who could not wear a single woolen garment upon their bodies because of the outrageous tax you had helped place upon these great necessities of life. Yet he says that we have got to have honesty and fairness in these elections.

Well, they had it, and I want to say something to the gentleman from Wyoming [Mr. MONDELL] and to my distinguished friend from Washington [Mr. HUMPHREY]. Oh, he is such a progressive Republican. He does progress so much. He is in favor of everything that is along the progressive line. He is like the toad frog that swallowed a buckshot and fell into the well. He progresses by jumping up 2 inches and falling back 4. [Laughter.] He is a great progressive, and he defended the administration the other day.

Now, if I had been the President, I believe if I wanted intellect and brains to defend me on the floor of this House, I would have selected without hesitation the gentleman from Wyoming [Mr. MONDELL] and the distinguished gentleman from Washington [Mr. HUMPHREY] and my distinguished friend from St. Louis, Mo. [Mr. BARTHOLDT]. But if I wanted Republicans with a record on which I would be willing to go before the country and say to the people, "These men, representing me on the floor of the House, have shown by their votes, on one or more occasions at least, that they were willing to give the common people a crumb from the table of protection," I would not select them. For he can not say that about the gentlemen I have referred to. No wall of protection is too high for the gentleman from Wyoming or the gentleman from Washington or the gentleman from Missouri. You can not impose any tax too out-

rageous on the American people for these three gentlemen to support with all their vigor and all their hearts.

But, Mr. Chairman, I am wandering away from my subject, which is so near and dear to my heart, and that is the Georgia negro. I must not get away from that. [Laughter.]

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield to the gentleman from South Dakota?

Mr. HOWARD. With pleasure, for a question.

Mr. BURKE of South Dakota. The gentleman has criticized somewhat a postmaster in his district. I would like to ask the gentleman if he would be in favor of a law providing that postmasters should be selected through the classified service.

Mr. HOWARD. I will say to the gentleman that if I had no hopes of a Democratic administration coming in soon, I would readily agree with him. [Laughter and applause.] But as we Congressmen are going to have something to say as to who shall hand to our sweet women in the South and to those pretty girls in the South their letters in the future, I am "agin" changing the law. [Laughter and applause.]

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman yield again?

The CHAIRMAN. Does the gentleman yield?

Mr. HOWARD. Certainly.

Mr. BURKE of South Dakota. I want to say to the gentleman that if he has his way some of "we Congressmen" on that side of the House will be with us but a short time.

Mr. HOWARD. I do not think the gentleman is a clairvoyant. I do not think the gentleman has any right to predict such a violent thing as the defeat of the Democratic Party again. Why, my dear sir, your grandchildren will be grayheaded and snaggletoothed before you ever see a Republican again in the White House. [Applause on the Democratic side.] Why, the American people have just got onto your curves.

Mr. BURKE of South Dakota. Mr. Chairman, will the gentleman again yield?

The CHAIRMAN. Does the gentleman from Georgia yield to the gentleman from South Dakota?

Mr. HOWARD. I will yield for a question.

Mr. BURKE of South Dakota. I gather from the gentleman's statement that he has been reading the CONGRESSIONAL RECORD for several years past, because that statement appears regularly in the RECORD every four years.

Mr. HOWARD. I have never been a plagiarist in my life, and I have never been guilty of it here; and if the gentleman says that statement appears in the RECORD, I will withdraw it. I am not going to be guilty of what you gentlemen were guilty of in Chicago—stealing—and I will not steal anything, not even a prediction. I will not be guilty of such reprehensible conduct. [Laughter.]

Mr. BURKE of South Dakota. You have been predicting Democratic success for the last 16 years.

Mr. HOWARD. Now, Mr. Chairman, I must close. The gentleman from Illinois [Mr. RODENBERG], in a magnificent memorized speech, to which he devoted a long, long time, got up here the other day and said something about our nominee for President.

Of course, he made his case as strong as he could, and what did it amount to? It is all bosh. The people of this country do not believe, and the gentleman from Illinois [Mr. RODENBERG] did not believe that Mr. Wilson ever in his life believed that a Chinaman was better than a Caucasian. But, as I say, the gentleman from Illinois [Mr. RODENBERG] made his case as strong as he could. Like the lawyer in court, with the gallows staring his client in the face, with the rope stretched and the noose made, he made the best appeal he could, and he jumped on the Democratic nominee for President. Now, let us see. Mr. Taft has not written any books. He does not need to write any books. Better than books, his cold-blooded acts in vetoing remedial legislation passed by the first session of the Sixty-second Congress are sufficient to write "No!" on the heart of every struggling American citizen in this country. Mr. Roosevelt has written a good many books. He wrote one in many volumes called the Winning of the West, and if you gentlemen want some campaign thunder you can find it there. There is no need to use it; you are just wasting your ammunition. But if you want to make a lot of fuss and do a lot of shooting, just for the sake of keeping up your courage, I remind you that if you peruse Col. Roosevelt's book, the Winning of the West, you will find where he compared the American farmer with the old cowboy of the sixties and seventies; not the cowboy of to-day, but the cowboy of those former days, who carried a pistol and drank liquor and played cards and killed folks and shot out the lights in the small towns, and broke up the grog shops in the villages. Col. Roosevelt said he would rather be "a bronco buster in the West than an American farmer with a dull intellect."

The farmers will appreciate that sort of talk. When the gentleman from Illinois [Mr. RODENBERG] made his attack upon the present nominee of the Democratic Party he forgot that his champion had already had the death knell sounded for him and that the other man lay down in Hog Wallow, on the hills in Pittsburgh, with old Bill Flinn and has had his campaign financed by that great philanthropist, the man who has always attempted to right the wrongs of every poor man in this country, the man who has always stood ready and willing to come out and say, "Thus far shalt thou go in dealing with the poor men in this country and no further." That man is the Hon. George W. Perkins, the right-hand partner of Mr. J. Pierpont Morgan, who, I am reliably informed, has underwritten a campaign fund of two and a half million dollars for the bull moose from the jungles with which to run his campaign.

But there is one other gentleman whom we ought not to forget. There is a newspaper published in Washington. It is a great paper. The only thing that I know that commends that paper to me is the fact that it has a mighty clever set of young men employed on it. They are very bright. I do not see how they can write such articles for that paper when they have instructions from their boss to do the very opposite to what their consciences dictate that they should do. But this man is saying all sorts of mean things about the Democratic candidate for the Presidency and about Mr. Taft. Well, he hopes for his reward. It is not money that he wants, because I understand he is worth over $30,000,000; but it is position that he wants, and I understand that if the bull moose candidate is elected President of the United States he will be the minister to the Court of St. James. So he is turning loose all of his influences, his magazines and his newspapers, on Mr. Wilson and Mr. Taft. This is the first time that I have ever seen in your ranks one man get up from one section, belonging to one faction of your party, and make charges which were absolutely true, and another member of the party, belonging to another faction, get up and charge the same sort of thing—fraud and corruption, and things of that sort, in your conventions—when both of you told the truth.

You are both telling the truth this time. So what hope can you hold out when you go home this fall, all you old Members who have been here for years and who have an extra number of these cedar boxes and books and things of that sort here. Do not take them all home at one trip. Take some with you when the present session of Congress adjourns and leave them at home, because you will be overloaded next March. The people are done with you. [Laughter and applause on the Democratic side.] Maybe one or two of you progressives may get back, but as I said here last summer a real, sure-enough, standpat Republican on that side of the House next year will look as big as a martin on a fodder pole. I imagine that my good friend, the gentleman from Washington [Mr. HUMPHREY], will have a long and lonesome trip home next spring. I imagine that probably some of the other distinguished gentlemen, who have adhered so conscientiously to the standpat principles, will have a powerful lonesome trip. You have my sympathy, gentlemen. We gave you an opportunity to do better. We brought you up where you could have taken the political sacrament with the Democratic Party, and you turned aside. You would not sup with us. Now, I am done with you. [Laughter.]

You fellows are divided into two camps, and each camp accuses the other of high crimes and misdemeanors, and I am satisfied that both factions are guilty of every charge made against you.

Here are Republican witnesses testifying to the bribery and corrupt methods indulged in by the Roosevelt faction and the Taft faction in the primary and at Chicago, and the American people believe that you are both guilty.

O, ye of many political sins and little faith, you remind me of the old negro preacher's camp-meeting hymn. It ran like this—

> Your thoughts on awful subjects dwell,
> Damnation and the dead.
> O what hell-a-shus horrors hang
> Around your guilty head.

[Laughter and applause on the Democratic side.]

The CHAIRMAN. The gentleman from Georgia has six minutes remaining, and that six minutes he yields to the gentleman from New Jersey [Mr. KINKEAD].

Mr. KINKEAD of New Jersey. Mr. Chairman, may I suggest to my friend from Connecticut [Mr. TILSON] that since there are but 26 minutes remaining, we make some agreement as to the time? I understand the gentleman from Connecticut [Mr. TILSON] is the only other Member who wishes to speak during the general debate.

Mr. TILSON. If the House will give consent, I am willing that the gentleman from New Jersey [Mr. KINKEAD] may have half the time and I the other half.

The CHAIRMAN. The Chair will state that he had agreed to recognize the gentleman from Connecticut [Mr. TILSON] for the last 20 minutes of this debate. The gentleman from Connecticut can divide the time between himself and the gentleman from New Jersey.

Mr. TILSON. There is no objection to that.

The CHAIRMAN. If there is no objection, the gentleman from New Jersey [Mr. KINKEAD] is recognized for 14 minutes.

Mr. MANN. Can the gentleman from New Jersey conclude in that time?

Mr. KINKEAD of New Jersey. I scarcely think so.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Connecticut [Mr. TILSON] may have 15 minutes after we commence the reading of the bill under the five-minute rule, so that the gentleman from New Jersey [Mr. KINKEAD] may have the additional time.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Connecticut [Mr. TILSON] may occupy 15 minutes when the bill is taken up under the five-minute rule. Is there objection?

There was no objection.

The CHAIRMAN. Then the Chair understands that the gentleman from New Jersey [Mr. KINKEAD] is to be recognized for how long?

Mr. TILSON. For the remainder of the time under general debate.

The CHAIRMAN. The gentleman from New Jersey is recognized for 24 minutes.

[Mr. KINKEAD of New Jersey addressed the committee. See Appendix.]

Mr. KINKEAD of New Jersey. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The request of the gentleman from New Jersey can not be entertained by the Chair for the reason the time was fixed in the House for debate.

Mr. BOWMAN. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. LAFFERTY. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. KENT. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

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

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HARRISON of New York having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the President of the United States having returned to the Senate, in which it originated, the bill (S. 4862) for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project, with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same, and

Resolved, That the said bill pass, two-thirds of the Senate agreeing to pass the same.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24450) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes.

LIMITATION OF HOURS OF EMPLOYEES ON PUBLIC WORKS.

The committee resumed its session.

The Clerk read as follows:

Be it enacted, etc., That sections 1, 2, and 3 of an act entitled "An act relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia" be amended to read as follows:

"SECTION 1. That the service and employment of all laborers and mechanics who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or by any contractor or subcontractor, upon a public work of the United States or of the District of Columbia, and of all persons who are now, or may hereafter be, employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, is hereby limited and restricted to eight hours in any one calendar day; and it shall be unlawful for any officer of the United States Government or of the District of Columbia, or any such contractor or subcontractor whose duty it shall be to employ, direct, or control the services of such laborers or mechanics or persons employed in constructing, maintaining, or improving a river or harbor of the United States or of the District of Columbia, to require or permit any such laborer or mechanic or persons employed in improving, maintaining, and constructing a river or harbor of the United States or of the District of Columbia, to work more than eight hours in any calendar day, except in case of extraordinary emergency.

The CHAIRMAN. There is a committee amendment.

Mr. MANN. Mr. Chairman, I suggest the gentleman from Connecticut [Mr. TILSON] was given leave to address the House.

The CHAIRMAN. There was unanimous consent given to the gentleman from Connecticut [Mr. TILSON] for 15 minutes, and under that order the gentleman is recognized.

Mr. TILSON. Mr. Chairman, I feel like apologizing to the House for obstructing the real business of the day—political speechmaking—by submitting at this point a few observations that are neither partisan nor political, as that word is commonly used, but relate to the comparatively unimportant subject of the national defense. What I have to say is on the subject of a national military reserve.

It has been the fashion of late—in fact, it always is in time of peace—to speak disparagingly of preparations for war. Even those who advocate, as a matter of common business prudence, a reasonable state of preparedness for war are often regarded as bloodthirsty ogres desiring war.

No one can detest more than I do war and its horrors. The time and place of my birth and early training combined to make me hate war with all the intensity of my being. No vocabulary, not even Gen. Sherman's, is adequate to describe it. He who could have it in his heart to desire war is worse than a traitor to his country; he is an enemy to his race. All the peace societies, congresses, and associations, having for their purpose the prevention of war, have my most cordial sympathy and best wishes. We all agree that wars are wrong, and it is so delightful to dream of a future in which war shall be no more. There is every reason why such a dream should come to pass and no good reason why it should not, and yet there is the fear lurking here, there, and everywhere of the rude awakening.

The experience of the past rests heavily in the other scale. The history of our own and other countries teaches another story. Since the establishment of our Republic not a generation has passed without seeing us at war, and within half the period of a generation every large country and a large majority of the small ones have been at war. It would be pleasant to regard all these instances as exceptions and to hold to the belief that henceforth all nations "shall beat their swords into plowshares and their spears into pruning hooks." It is really quite a shock to see that the workers in iron and steel of other countries are really otherwise engaged.

I am not one of those who believe that trade necessarily means war. It is and should be one of the strongest bonds of peace, and yet we can not ignore the fact that it has often meant war nor blind ourselves to the probability that it will cause war in the future.

To-day we stand among the foremost commercial aggressors of the world and one of the weakest of military powers. In the product of the smelter which converts our inexhaustible resources in minerals into commercial products, in the coal measures of Pennsylvania which supply the needs of the world in fuel, in the cotton belt which furnishes 70 per cent of the world's supply, in the grain belts of the great Mississippi Basin, in the cattle ranges of the West, we are producing the products of the world, by the sale of which we are more and more coming into competition with others, and our continued success in the struggle depends upon our ability to sell in the open markets of the world.

It is not a simple coincidence that the nation that has the greatest foreign trade has also the greatest navy. The navy did not make the trade; the trade resulted from natural conditions; and when trade became great enough it demanded a navy for its protection. It was good business policy to create the navy; no other consideration dictated the result.

It is not necessary to ask what nation has the greatest army. It is necessary only to locate the nation whose natural wealth is among the greatest and whose boundaries are the most vulnerable and accessible to adjacent competitors. It is good business policy to maintain an army for such a nation; no other consideration can prevail.

So it was good business policy to acquire Hawaii, Guam, and Alaska, because of their influence upon trade; good business policy to acquire the Philippines, because these islands lie upon the main trade route to the Orient and because possession of the Philippines means favorable trade relations with 400,000,000 people in China, who have not as yet developed the power to manufacture; good policy to free Cuba and to secure control of

Porto Rico; and good policy to maintain the Monroe doctrine as to our neighbors to the south of us. That war may grow out of such a situation no person can doubt who is not infatuated with the theory that altruism governs the price of stocks on the exchanges of New York, Paris, and Berlin.

We have steel and iron products, cotton, cereals, minerals, and manufactured products to sell, and coffee, silk, rubber, and so forth, to buy. We must, as business men, maintain our markets and secure uninterrupted arrival of raw materials for our manufacturing plants. To accomplish this, when competition becomes sufficiently keen, it is essential that there be adequate military preparedness to secure respect for the just claims of our people. As the business interests of a city demand its police, so the business interests of the Nation demand an Army and a Navy commensurate with the firmness of its foreign policy and the magnitude of its foreign trade.

Fortunately the geographical position of the United States is such that hitherto there has been occasion for only a small standing Army. There should not be need for a large standing Army if proper use is made of our military resources. We have the men and we have the means. It is our duty to have them ready for use when needed. The problem which confronts us is one of being able to use readily, with the least waste possible, the resources at our command.

As business men we should solve that problem with the least expenditure from the Federal Treasury. A brief review of the history of the past suffices to indicate the weakness and the suicidal extravagance of the legislative policy or lack of policy heretofore pursued in connection with this subject.

In every war since Revolutionary times to 1898 we have trifled with short enlistments, bounties, and other dangerous policies until our national integrity has been all but sacrificed. Much of our history on this point is rather painful, so it is not my purpose to go into the details of the subject.

Suffice it to say that during the Revolutionary War we called to the colors 231,771 Continentals and 164,087 militia, a total of 395,858 soldiers, to oppose approximately 150,605 British soldiers. During the War of 1812 we called to the ranks 56,032 Regulars and 471,622 Volunteers, rangers, and militia, a total of 527,654 soldiers, while the greatest number of soldiers operating in the field against this army of Americans amounted to 55,000 British and Canadians; yet the history of that conflict is largely one of disgraceful defeats for our armies during a war which might have terminated in great national disaster had not the situation on the Continent of Europe restrained England from following up her advantages gained here.

Again, despite the experiences of 1776–1781 and 1812, the Mexican War saw us enlisting men for 3 months, 6 months, 12 months, and finally adopting the only safe policy of enlisting for the war. As a result of these mistakes we beheld the disgraceful spectacle of American soldiers demanding their discharges in the face of the enemy and returning to their homes in the United States, thus halting Scott's victorious columns for more than two months at Puebla, within three days' march of the enemy's capital, his army reduced to 5,820 effective men. Despite the fact that we called into the service for this war 81,024 Regulars and 73,532 Volunteers—total, 104,556 enlisted men—to overthrow approximately 46,000 Mexicans, yet so hampered was the commanding general in the field by the policy enunciated in the laws enacted by Congress that Gen. Scott was compelled to advance with a half-trained army of about 14,000 men, 3,000 of whom were sick or in hospital, upon the City of Mexico, defended by about 36,000 Mexicans provided with 100 cannon.

Never during the whole campaign could Gen. Scott muster upon the field of battle a force superior to that of the enemy, though the total enlisted force in the service of the United States at all times greatly exceeded the strength of the Mexican Army.

It would have seemed reasonable to believe that the experiences of this campaign would have served to correct the wasteful and dangerous policy of the past, but success blinded our statesmen to the very valuable lesson of that campaign, and the opening of the Civil War finds the President calling for 75,000 militia for three months. As a result of the lack of proper legislation we called into the service during the war a total of 67,000 regulars and 2,605,341 militia and volunteers.

During the continuance of the war all the errors of the past were repeated and even aggravated. The bounty system was utilized in its most vicious form, and the extent to which bounty jumping was practiced should suffice to warn all succeeding Congresses against legislation which may permit a repetition of scenes so shameful.

More conspicuous, however, than any other error during this long struggle was that of failing to provide any means of maintaining the ranks at their maximum strength in rifles. Instead, the strength of organizations was permitted to decrease until the power of combat had practically ceased to exist, and new organizations were created, supplied with all the costly machinery of administration, and were sent to the front to replace the fragments of veteran organizations whose commanders had become skilled in leadership, but who found themselves without troops to command. The value of their experience was disregarded, a premium was placed on ignorance, the Treasury was unnecessarily drawn upon, and the integrity of the Union was jeopardized. In successive appeals the Government called for 75,000 militia for three months, 100,000 volunteers for one year, and 42,834 volunteers for the war. To all of these calls the people responded with abundant enthusiasm.

On the 4th of July, 1861, the Government found at its disposal the following heterogeneous mixture of troops:

Regulars and volunteers enlisted for 3 months and for the war	225,000
Volunteers for the war	50,000
New regiments of the Regular Army	25,000
Total	300,000

Yet already the enlistments of the three-month men were expiring, and the Government at the outset of the campaign was compelled to deduct from its fighting forces 80,000, or 26 per cent of the enlisted men mustered in.

The disaster of Bull Run resulted in a call for 500,000 volunteers to serve for not less than six months nor more than three years. So enthusiastic was the response that in 1862 the Government believed that it had secured the service of all men necessary for the prosecution of the war and committed the fatal mistake of ceasing to recruit. The Army now amounted to 600,000 men, and the opinion prevailed that 200,000 men could march from Washington to New Orleans without opposition. All that was wanted was for some one to command "Forward, march." Had the directors of the Federal policy but turned to the record of our past experience they would have seen that means must be provided for supplying the fearful wastage in an aggressive campaign, and that if 600,000 men were needed to meet the enemy, every effort of the Government should have been directed toward maintaining that number on the battle front of the Nation's armies. But what happened? For answer let us turn to the Records of the Rebellion and open any volume covering the period of 1863. The campaign of Vicksburg will suffice for the purpose. On pages 579 and 580, volume 24, part 2, Records of the Rebellion, the report of Brig. Gen. Osterhaus, United States Army, commanding the Ninth Division, shows the following:

First Brigade:		
Forty-ninth Indiana Regiment	307	
Sixty-ninth Indiana Regiment	216	
Seventh Kentucky Regiment	199	
One hundred and twentieth Ohio Regiment	386	
		1,108
Second Brigade:		
Fifty-fourth Indiana Regiment	245	
Twenty-second Ohio Regiment	266	
Sixteenth Ohio Regiment	359	
Forty-second Ohio Regiment	434	
		1,304
		2,412

The minimum strength of two Infantry brigades should have been 7,840 enlisted men, and it should have been the policy of the Government to maintain them constantly at that strength by a process of recruiting conducted at the home depots; but no home depots existed.

Again, we find the following return of the Department of Tennessee, Maj. Gen. U. S. Grant commanding, on May 31, 1863, near Vicksburg, Miss.:

	Present for duty, enlisted men.	Aggregate present.	Aggregate present and absent.
THIRTEENTH ARMY CORPS.			
Ninth Division	3,076	3,908	6,764
Tenth Division	3,134	4,225	6,988
Twelfth Division	3,430	4,280	6,239
Fourteenth Division	2,787	4,237	5,455
Total	12,427	16,650	25,446
FIFTEENTH ARMY CORPS.			
First Division	5,043	6,629	10,303
Second Division	4,587	5,723	9,419
Third Division	4,187	5,135	7,412
Total	13,817	17,487	27,134

	Present for duty, enlisted men.	Aggregate present.	Aggregate present and absent.
SIXTEENTH ARMY CORPS.			
First Division	7,282	8,796	11,862
Third Division	5,507	7,140	9,040
Fourth Division	5,943	6,966	9,859
Total	18,732	22,902	30,761
SEVENTEENTH ARMY CORPS.			
Third Division	5,294	6,611	9,981
Sixth Division	4,225	5,141	6,979
Seventh Division	3,967	5,084	7,971
Total	13,486	17,836	24,931

Exact information as to arrival of recruits is not available, and exact comparisons are therefore not possible, but some idea of the operation of the system can be secured by comparision of the preceding table with the following taken from the Records of the Rebellion, volume 24, part 3, pages 567 to 568, as shown in the return of the Department of Tennessee, Maj. Gen. U. S. Grant commanding, for the month of July, 1863, one month after the rendition of the preceding report:

	Present for duty enlisted men.	Aggregate present.	Aggregate present and absent.
THIRTEENTH ARMY CORPS.			
Tenth Division	2,788	4,098	6,406
Twelfth Division	3,605	4,546	6,918
Total	6,393	8,644	12,324
FIFTEENTH ARMY CORPS.			
First Division	4,363	6,419	9,555
Second Division	4,337	5,655	8,914
Third Division	3,419	5,074	7,004
Fourth Division	5,796	7,642	8,896
Total	17,915	24,790	34,369
SEVENTEENTH ARMY CORPS.			
Third Division	4,753	6,572	9,407
Sixth Division	3,706	5,124	6,825
Seventh Division	3,507	4,888	7,411
Total	11,966	16,584	23,643
Grand totals, 9 divisions	36,274	50,018	70,336
Average	4,031	5,557	7,815

A little more than one year had elapsed since recruiting had ceased, yet the average strength of a division present for duty, as seen from the above returns, was 4,031 enlisted men, whereas the minimum strength of a division in enlisted men (Infantry alone) should have been 11,760, and it should have been the business of the Government to maintain the recruiting system so as to supply the wastage as rapidly as it occurred. It is fruitless to say that the political situation compelled the President to call for the organization of new regiments to maintain the necessary force in the field. That which compelled his action was the lack of a system to feed the firing line, and as statesmen, profiting by the experience of the past, it is our sacred duty to see that such a system is provided for the future. We should treat the matter of Army organization as a purely business proposition and remove while we may the causes which will otherwise render certain a repetition of the conditions to which I have referred.

We have lived through one war since the dark days of the Rebellion, yet the experience of 1898 shows that practically all remains yet to be done. War was declared with Spain on April 21, 1898. On April 26 Congress added two companies to each regiment of Infantry, increasing the number of companies in each regiment from 10 to 12, and authorized enlistments to increase the Regular Army to 62,597 men; but again no machinery was in existence to supply the extra men demanded by the situation, and the returns from the field of battle show that we assaulted San Juan on the 1st day of July, 1898, with an average of 556 enlisted men in the Infantry regiments participating in the attack, whereas the enlisted strength of each should have been 1,272.

The following table shows the strength of the regiments concerned:

Enlisted men present for duty equipped.

Sixteenth United States Infantry	655
Sixth United States Infantry	461
Seventy-first New York Infantry	922
Second United States Infantry	618
Tenth United States Infantry	432
Twenty-first United States Infantry	441
Ninth United States Infantry	445
Thirteenth United States Infantry	441
Twenty-fourth United States Infantry	516
Eighth United States Infantry	487
Twenty-second United States Infantry	467
Second Massachusetts Infantry	863
First United States Infantry	438
Fourth United States Infantry	444
Twenty-fifth United States Infantry	509
Seventh United States Infantry	891
Twelfth United States Infantry	564
Seventeenth United States Infantry	482
Third United States Infantry	464
Twentieth United States Infantry	573
Total	11,113
Average per regiment	556

(Campaign of Santiago de Cuba, vol. 3, pp. 214, 215, 216, 217.)

It will be seen from the foregoing outline of history of our wars that the organization of the Army has always resulted in maintaining in the field a minimum organization in rifles requiring a maximum burden of overhead charges. In order that the exact effect of this policy in dollars and cents may be seen I have had drawn up in parallel columns an exact statement of the costs involved in maintaining 400,000 Infantry in the field, organized at full war strength according to the act of February 2, 1901, and in maintaining the same number of riflemen in the field organized into regiments of the same average strength as those engaged in the campaign of Santiago in 1898.

The following comparison is made of the cost of 400,000 Infantry (which means 368,000 rifles) in the field—(a) if organized with ranks full under the act of February 2, 1901; (b) if organized in regiments of the actual strength of those which participated in the campaign of Santiago:

(A) WAR-STRENGTH ORGANIZATION.

Officers:	
1 colonel	$5,000.00
1 lieutenant colonel	4,500.00
3 majors, $4,000 each	12,000.00
15 captains, $3,120 each	46,800.00
15 first lieutenants, $2,400 each	36,000.00
15 second lieutenants, $1,870 each	28,050.00
Total	132,350.00
Noncommissioned officers:	
1 sergeant major (third enlistment)	53.00
1 quartermaster sergeant (third enlistment)	53.00
1 commissary sergeant (third enlistment)	53.00
3 battalion sergeants major, $48 each (third enlistment	144.00
2 color sergeants, $48 each (third enlistment)	96.00
Total	399.00
Total for year	4,788.00
Band:	
1 chief musician (third enlistment)	83.00
1 principal musician (third enlistment)	48.00
1 drum major (second enlistment)	40.00
4 sergeants (second enlistment), $40 each	160.00
8 corporals (second enlistment), $33 each	264.00
1 cook (second enlistment)	33.00
12 privates (second enlistment), $24 each	288.00
Total	916.00
Total for year	10,992.00

(B) SANTIAGO ORGANIZATION.

Officers:	
1 colonel	$5,000.00
1 lieutenant colonel	4,500.00
3 majors, $4,000 each	12,000.00
15 captains, $3,120 each	46,800.00
15 first lieutenants, $2,400 each	36,000.00
15 second lieutenants, $1,870 each	28,050.00
Total	132,350.00
Noncommissioned officers:	
1 sergeant major (third enlistment)	53.00
1 quartermaster sergeant (third enlistment)	53.00
1 commissary sergeant (third enlistment)	53.00
3 battalion sergeants major, $48 each (third enlistment	144.00
2 color sergeants, $48 each (third enlistment)	96.00
Total	399.00
Total for year	4,788.00
Band:	
1 chief musician (third enlistment)	83.00
1 principal musician (third enlistment)	48.00
1 drum major (second enlistment)	40.00
4 sergeants (second enlistment), $40 each	160.00
8 corporals (second enlistment), $33 each	264.00
1 cook (second enlistment)	33.00
12 privates (second enlistment), $24 each	288.00
Total	916.00
Total for year	10,992.00

(A) WAR-STRENGTH ORGANIZATION—continued.

Company:	
1 first sergeant (third enlistment)	$53.00
1 quartermaster sergeant (third enlistment)	36.00
6 sergeants (third enlistment), $36 each	216.00
10 corporals (second enlistment), $24 each	240.00
2 cooks (second enlistment), $33 each	66.00
2 musicians (second enlistment), $18 each	36.00
1 artificer (second enlistment)	24.00
Total	671.00
Total for year	8,052.00
127 privates, average pay, $193.08	24,521.16
Pay for 1 year (total in company, 150 men)	32,573.16
Pay of 12 companies for 1 year	390,877.92
Pay of officers for 1 year	132,350.00
Pay of enlisted men:	
8 noncommissioned staff	4,788.00
28 band	10,992.00
1,800 enlisted men of companies	390,877.92
Total pay	539,007.92
Annual cost for subsistence, clothing, fuel, transportation; mounts, quartermaster's, sanitary and ordnance supplies per annum, for each enlisted man	210.93
Total for 1,836 men	387,267.48
Forage for regimental horses	6,121.00
Loss in horseflesh	739.55
Horseshoes	94.60
Total	6,955.15
Officers:	
Fuel in field	8.00
Sanitation	9.37
Total	17.37
Cost for 50 officers	838.50
Total cost of maintaining 1,836 enlisted men in the field per annum:	
Pay	539,007.92
Equipment, subsistence, etc	387,267.48
Forage, horseflesh, etc	6,955.15
Fuel and sanitary supplies, officers	865.50
Total	934,099.05
Number of men who may be utilized as riflemen in each company	128
Number of companies in regiment	12
Number of rifles available on firing line	1,656
Cost per rifle (934,099.05÷1,656) yearly	$564.07

(B) SANTIAGO ORGANIZATION—continued.

Company:	
1 first sergeant (third enlistment)	$53.00
1 quartermaster sergeant (third enlistment)	36.00
4 sergeants (third enlistment), $36 each	144.00
6 corporals (second enlistment), $24 each	144.00
2 cooks (second enlistment), $33 each	66.00
2 musicians (second enlistment), $18 each	36.00
1 artificer (second enlistment)	24.00
Total	503.00
Total for year	6,036.00
26 privates, average pay, $193.08	5,020.08
Pay for 1 year (total in company, 43 men)	11,056.08
Pay of 12 companies for 1 year	132,672.96
Pay of officers for 1 year	132,350.00
Pay of enlisted men:	
8 noncommissioned staff	4,788.00
28 band	10,992.00
520 enlisted men of companies	132,672.96
Total pay	280,802.96
Annual cost for subsistence, clothing, fuel, transportation; mounts, quartermaster's, sanitary and ordnance supplies per annum, for each enlisted man	210.93
Total for 556 men	117,277.08
Forage for regimental horses	6,121.00
Loss in horseflesh	739.55
Horseshoes	94.60
Total	6,955.15
Officers:	
Fuel in field	8.00
Sanitation	9.37
Total	17.37
Cost for 50 officers	868.50
Total cost of maintaining 556 enlisted men in the field per annum:	
Pay	280,802.96
Equipment, subsistence, etc	117,277.08
Forage, horseflesh, etc	6,955.15
Fuel and sanitary supplies, officers	865.50
Total	405,903.69
Number of men who may be utilized as riflemen in each company	33
Number of companies in regiment	12
Number of rifles available on firing line	396
Cost per rifle (405,903.69÷396) yearly	$1,025.01

Cost of rifle per year in Santiago organization	$1,025.01
Cost of rifle per year, regiments full	564.07
Difference in cost per rifle per year	460.94
Difference in cost per rifle per day	1.262
Difference in cost per day for 400,000 infantry (368,000 rifles)	464,416.00
Difference in cost per month (30 days)	13,932,480.00
Difference in cost per year	169,625,920.00

The following table is presented to show how the cost per annum of maintaining a private soldier, which is used as a basis of calculation in the preceding table, is arrived at:

Subsistence, 365 days, at 24 cents per day		$87.60
Clothing:		
Allowance for 3 years, $129.88. For 1 year	$43.29	
Issue on memorandum receipt of 2 blankets, $2.65 each, $5.30. Life of blanket, 6 years. Cost for 1 year	.88	
Overcoat, $12.38. Life of garment, 6 years. Cost for 1 year	2.06	
Sweater, $2.66. Life of garment, 6 years. Cost for 1 year	.44	
Poncho, $2.72. Life of garment, 3 years. Cost for 1 year	.91	
Miscellaneous	.23	
Total for 1 year		47.81
Fuel		8.00
Transportation, average for the entire Army		22.20
Mounts, average for the entire Army		6.20
Quartermaster supplies, average wear and tear		10.44
Sanitary supplies		9.37
Ordnance, worn out in service		19.31
Total		210.93

The total in the table here presented does not include the cost of barracks nor the heating and lighting of same, as this calculation pertains to the cost incident to maintaining troops in the field only.

For the benefit of those who have not the time to fully examine the tables the following summary is made:

	Per annum.
Cost per rifle, Spanish-American War	$1,025.01
Cost per rifle, ranks filled	564.07
The difference in cost per rifle	460.94

It will therefore require $169,625,920 more per year to maintain 400,000 Infantry in the field (368,000 rifles) with regiments depleted as in the Spanish-American War than to maintain the same number of Infantry in the field with the same number of rifles if the ranks be filled to war strength, as authorized by law. Such expenditures as these will drive us to bankruptcy if we are again confronted with a war of long duration. Some system must be developed to avoid this suicidal extravagance.

It is scarcely necessary to say to business men that it is far better to create in time of peace all the machinery necessary to accomplish the desired results in time of war. The problem is not a simple or easy one, but is one well worth the conscientious study of serious-minded men. For more than a year I have been giving the subject special attention and have come to the conclusion that the most important element in the proper solution of the problem is the creation of a proper military reserve. Therefore, on May 15, 1912, I introduced a bill, H. R. 24601, to provide for a national military reserve.

In my humble judgment that bill enacted into law will produce results far-reaching in their character and beneficent in their operation touching the national defense of this country. The basic fact upon which the proposed bill rests is that with our Army and militia as at present constituted we each year discharge into civil life a large number of trained Regulars and twice as many more trained militiamen, a large percentage of whom may be utilized for filling the ranks to war strength within a few days after the outbreak of war, if a rational system be developed in time of peace for accomplishing this result.

Under the provisions of the bill only such number of these men as may be necessary to fill the ranks of the Army and of

the militia to war strength belong to the active or class A reserves, the remainder to the inactive or class B reserves.

In response to a Senate resolution the Secretary of War under date of January 15, 1912, transmitted to the Senate certain information relative to Army enlistments for the 10 years ending June 30, 1911, which is published as Senate Document No. 259, Sixty-second Congress, second session. In this document it appears that for the 10 years the average number of men discharged by reason of expiration of term of enlistment is 18,103, of which an average of 10,219 reenlist. This leaves approximately 8,000 to be discharged annually into class A reserve.

In figuring the number of reserves necessary to raise the authorized peace strength of our Army to the war strength, the Philippines, Hawaii, Panama, and Alaska may be left out.

The garrison in the Philippine Islands is to be maintained at war strength. It is highly improbable that soldiers discharged from regiments in Hawaii, Panama, or Alaska will remain in the vicinity for a sufficient period of time to form an active reserve sufficiently numerous to raise these regiments to war strength. The necessary men for this purpose must be secured by drafts upon class B reserves and by shipments from general recruiting depots in the United States. The question, then, as to the organization of a reserve will be considered here as relating to the garrisons in the United States only. The following table indicates for these organizations the reserves needed to bring them up to war strength:

Organization.	Authorized strength.	War strength.	Number of reservists needed to expand to war strength.
16 regiments of Infantry	870	1,836	15,456
12 regiments of Cavalry	855	1,236	4,572
4 regiments of Field Artillery	877	1,186	836
Coast Artillery Corps	18,471	19,147	676
Engineers	2,002	1,942	60
Total number of class A reserves needed			21,600

As approximately 8,000 men will be discharged annually into class A reserves, in a period of three years there will be available more than the necessary number of reservists to fill the ranks of the Army to war strength. Under section 6 of the bill this is done automatically by adopting a contract of enlistment requiring three years with the colors and three years with the active reserves. Upon the completion of six years' service—three with the colors and three with the reserves—all further obligation under the oath of enlistment ceases.

In order that it may be known exactly what force may be relied upon in case of war, and in order that a high degree of proficiency in field training may be assured, it is desirable that the active or class A reserves be required to join the organizations to which they belong once each year for 10 days' field training. The feasibility of doing so is dependent principally upon the cost, which may be estimated as follows:

The reservists will be scattered over the entire country. This distribution, for the purposes of rough calculations, may be assumed to be uniform. The zone in which reservists from any garrison will be located may be determined by drawing a line through points midway between the posts and the next garrison. As shown in the table of distances between posts, which I insert in the RECORD without reading, it is found that, assuming a uniform distribution of reservists, each active or class A reservist would travel an average distance of 87½ miles in joining his organization, or 175 miles in joining his organization and then returning to his home. The cost of assembling 21,600 active reservists for 10 days' training would then be as follows:

Rations—21,600 men, at 24 cents a day for 10 days	$51,840
Pay—21,600 men, at 55 cents a day for 10 days	118,800
Transportation—21,600 men, 175 miles, at 2.262 cents per mile	86,400
Total	257,040

If, in addition to the above, the active reservists be allowed $2 per month, or $24 per year, the annual pay for this purpose will amount to $518,400, and the total cost of assembling the reservists for 10 days' training and of paying them at the above rates will amount to $775,440 annually.

Mr. ROBINSON. Might I ask the gentleman what will be the expense if the reserve is not called into the service?

Mr. TILSON. The gentleman means if it is not called into maneuvers?

Mr. ROBINSON. No; I mean the current expenses contemplated by the gentleman's bill.

Mr. TILSON. The current expenses contemplated by the bill when not called into service would be $775,000 per year, which is sufficient to maintain every organization in the present Army at a real war strength. The gentleman will understand that our peace strength is much less than what our war strength is. This bill would carry the peace strength of each organization in the ranks and the war strength on the rolls, the men making up the difference being in a state of furlough, instead of being present with their organization.

Mr. ROBINSON. Then in time of peace we really add $775,000 annually to the expense?

Mr. TILSON. Yes; in case reservists attend maneuvers 10 days, but in case they do not this would be decreased about one-third. In other words, it costs a little over $500,000 to maintain the reserve without maneuvers, but I consider the 10 days' training each year to be very important.

The transportation and subsistence furnished a soldier on discharge includes his actual railroad transportation, tourist sleeper accommodations, and rations commuted at the rate of 50 cents per meal and three meals to a day.

The following is a table showing the actual cost of transportation and subsistence between certain central points:

	Railroad fare cost to Government.	Miles.	Tourist sleeper.	Commutation rations.	Cost per mile.
San Francisco to—					
New York	$59.77	3,191	$7.20	$7.50	$0.0233
Leavenworth, Kans	29.00	1,955	4.40	6.00	.0201
New Orleans, La	42.89	2,482	4.60	6.50	.0217
Atlanta, Ga	50.33	2,810	5.80	7.50	.0226
Boston, Mass	60.76	3,313	7.20	7.50	.0227
Chicago to—					
New Orleans, La	15.75	912	2.20	1.50	.0213
New York	18.52	912	2.00	1.50	.0241
Washington, D. C	16.64	790	1.75	1.50	.0252

The average cost per mile per man to the Government for those men who are actually furnished railroad ticket and sleeping car, based on upper tourist berth, and rations commuted at $1.50 per day, is $0.02262.

Table showing distances between adjacent posts and the average distance which must be traveled to arrive at any given station.

Station.	Adjacent station.	Distance.	Average distance.	Half average distance.
San Francisco	Monterey	125	576	288
	Salt Lake City	823		
	Vancouver	780		
Monterey	San Francisco	125	317	158
	San Diego	509		
Vancouver	Seattle	175	461	230
	San Francisco	780		
	G. H. Wright	372		
	Boise	516		
Seattle	Vancouver	175	257	128
	G. H. Wright	339		
G. H. Wright	Seattle	339	322	161
	Vancouver	368		
	Missoula	258		
Missoula	Harrison	125	191	95
	G. H. Wright	258		
Harrison	Yellowstone	618	564	282
	Salt Lake City	511		
Yellowstone	Mackenzie	321	469	235
	Harrison	618		
Douglas	San Francisco	827	621	310
	Harrison	511		
	Russell	525		
Whipple Barracks	Huachuca	243	319	159
	Apache	295		
Huachuca	Bliss	150	150	75
Bliss	D. A. Russell	948	724	362
	Clark	501		
Clark	Bliss	501	312	156
	McIntosh	298		
	Sam Houston	143		
Sam Houston	Clark	143	367	183
	McIntosh	155		
	Sill	436		
D. A. Russell	Douglas	525	479	240
	Robinson	248		
	Crook	526		
	Riley	410		
Robinson	Mackenzie	282	295	147
	Meade	164		
	Russell	248		
	Crook	486		
Sill	Sam Houston	436	360	180
	Limit westward	200		
	L. H. Roots	441		
	Riley	364		
Riley	Sill	364	273	136
	Leavenworth	131		
	Crook	323		

Table showing distances between adjacent posts, etc.—Continued.

Station.	Adjacent station.	Distance.	Average distance.	Half average distance.
Leavenworth	Riley	134	261	130
	L. H. Roots	556		
	Crook	159		
	Des Moines	197		
Crook	Leavenworth	159	332	166
	Des Moines	156		
	Russell	526		
	Robinson	486		
Snelling	Limit northward	200	310	155
	Sheridan	391		
	Des Moines	340		
Sheridan	Snelling	391	304	152
	Wayne	302		
	Benjamin Harrison	220		
Benjamin Harrison	Sheridan	220	324	162
	Wayne	291		
	Oglethorpe	461		
Wayne	Brady	399	330	165
	Benjamin Harrison	291		
	Sheridan	302		
Oglethorpe	Benjamin Harrison	461	356	178
	L. H. Roots	454		
	McPherson	153		
McPherson	Oglethorpe	153	223	112
	Savannah	294		
Porter	Niagara	36	106	53
	Ontario	175		
Madison Barracks	Ontario	72	138	69
	Plattsburg Barracks	204		
Plattsburg Barracks	Ethan Allen	71	192	96
	Jay	313		

Total of half distances	5,175
Total number of stations	30
Average half distance between stations	175

From data gathered by inquiry of a large number of soldiers it appears that the emoluments in the bill are sufficient to secure the active reserve desired. The maintenance of an active reserve sufficient to fill the ranks of the Army to war strength at the outbreak of war would therefore cost $775,000 per year, and only $518,400 if the reserves are not annually assembled for a 10-day encampment.

The difficulty of keeping track of reservists has been suggested as an obstacle in the way of the establishment of such a reserve. To administer the affairs of those men by direct correspondence with the War Department would probably prove impracticable. The highest officer charged with the administration of such affairs should be the division commander, who should have authority to transfer reservists from one division or one regiment to another in his division, as they change their residence, and to transfer the records of reservists accordingly. Only such correspondence as must come to the War Department in the case of enlisted men at the present time should come to the War Department in the case of reservists.

For practical purposes the localization of regiments will be accomplished as soon as the garrisons for the Philippine Islands, Hawaii, and Panama have reached their prescribed stations. Reservists for each regiment in the United States may then be drawn from a well-defined area which will never change. Under such circumstances the local commanding officer is the official most interested in the maintenance of a local reserve, and it is he who should correspond directly with the local reservists, the latter forming an actual part of his command to be carried on his company reports and returns just as members of his actual command at the present time are carried.

In each company the necessary equipment should be on hand for each reservist pertaining to that company, who should receive his equipment when he reports for his annual field work, just as is now done in a militia company when men report for drill.

Under this plan reservists become furloughed members of companies, with reduced pay, and are required to serve annually only 10 days with their organizations. No extensive change in the existing system of administration is either necessary or desirable.

What has been said of reservists for the Regular Army applies, with some modifications, to the militia. Neither The Adjutant General of the Army nor the adjutant general of a State should be required to keep track of such reservists, except by means of the usual company and other reports now required. Finally, if the enlistment period for both the Regular Army and the Organized Militia be made six years, three of which are to be served with the colors and three to be served on furlough with the active or Class A reserves, then the obligation of the reservist to return to the colors when so ordered by proper authority will be the same as that imposed by the Articles of War upon any soldier furloughed from his regular command.

A sufficient number of class A reserves may be maintained to fill the ranks to war strength, but more men will be necessary to repair the losses in campaign and to form the nucleus of volunteeer regiments. Such men are provided for in the inactive or class B reserves. They should utilize for the purposes of organization, training, and equipment the plant and all the established machinery of Government employed by the Regular Army. Thus, barracks, reservations, and camp sites vacated by the Regular Army when the first line moves to the front would become points of mobilization for class B reserves and for volunteer organizations. Such reservists should be made up of enlisted men discharged from class A reserves and of enlisted men of at least three years' service in the Army, Navy, or Marine Corps who have been honorably discharged, except for physical disability, all of whom should be required to take a proper oath of enlistment requiring them to join the colors upon proclamation by the President announcing that their services are needed. These men, being in excess of the statutory strength of the Army, should not be carried upon the rolls, but in order that exact information may always be available as to their strength, separate lists of class B reserves should be made out by organization commanders in whose districts they reside, and such lists, showing names, addresses, etc., of the reservists, should be forwarded periodically to the War Department.

The provisions of the bill relating to the enlistment of class B reserves are sufficiently broad to permit the Secretary of War to take the necessary steps to provide for the organization of such reservists into tactical units in time of peace and to permit the assignment of commanders and reserve officers thereto; and it is provided that the President may, by proclamation, direct the mobilization of class B reserves at points prepared in time of peace for their reception. Officers of class B reserves provided for in the bill should be drawn from the local regiments of the Regular Army, from graduates of military institutions at which Army officers are retained as professors of military science and tactics, and from other sources. Officers of the Regular Army are to be assigned to the reserve, whereas officers drawn from other sources are to be actually commissioned therein in the grades of captain and first and second lieutenant.

Membership in class B reserves carries with it no right of retirement or retirement pay, or pay or allowances of any kind, but upon proclamation by the President directing the mobilization of reserves, officers commissioned in such reserves pass at once into active service as volunteers with the organizations to which they belong.

There will be no difficulty in officering class B reserves without additional expense to the National Treasury, but in order to keep the ranks filled some advantage should accrue to the soldier who places his name upon the rolls.

Nothing can justify a return to the bounty system practiced in the wars to which reference has already been made. No greater mistake could be made than that of offering or paying a lump sum to any former soldier who presents himself upon the outbreak of war. Such a system invites a return to all the disgraceful scenes, the shameful dishonesty, and the hopeless confusion which characterized the bounty period of the Civil War. The adoption of such a plan would ultimately compel the Government to offer a similar bounty to all who enlisted for the war and would, in the event of a great war, add billions to the cost of our campaigns. In my judgment we may escape all of this and still secure the men we desire by following the sound and well-established policy which now prevails in the Regular Army of paying an increased wage to the men of superior experience. Thus the private of Infantry receives $15 per month in his first enlistment, $18 in his second enlistment, $21 in his third enlistment, and an increase of $1 per month thereafter for each enlistment until in his seventh enlistment, when he receives $25 per month. This principle is incorporated in the sections of the bill providing for the organization of class B reserves. A reasonable inducement is thus offered to enlist in such reserve and to remain therein in time of peace, for such reservist, if called in the event of war, will receive a better wage than his brother in arms who declines to become a reservist.

In section 5 provision is made for officers to command the skeleton organization of the class B reserves. Commissions are to be given only to captains and first and second lieutenants. The principal source of supply will be the militia and the military schools at which officers of the Army are detailed as instructors. Graduates of such schools have received the basic education for a military profession, but many of the benefits resulting therefrom are lost because we have no means of utilizing them. The section of the bill touching this subject is drawn along the lines adopted for the formation of the Medical Reserve Corps of the Army, which has already produced most

satisfactory results. The assignment of not more than four officers of the Regular Army to each regiment of class B reserves will permit the use of the whole machinery of the regular establishment for preserving the records, providing the equipment, and perfecting the organization in time of peace of a trained force which could be called into the service.

The force thus created preserves all the features of a volunteer organization, utilizing the regular service only to the extent which experience has shown to be necessary in order to secure efficiency. With such an organization all of the arms, equipment, and so forth, for a volunteer organization may be accumulated in time of peace at the point of mobilization, and, under the provisions of section 11 of the bill, the necessary depots may be established at such points in order that recruitment may never cease and that a steady flow of enlisted men may be maintained to keep the organizations at the front always filled to their maximum strength with fighting men, thus avoiding a repetition of the experience of 1863 and 1898.

The labor involved and the time consumed in keeping track of class B reserves would probably be too great to require of officers of the National Guard, though they may be properly expected to keep track of class A reserves for their own organizations. Therefore no class B reserve for the militia is provided for in the bill.

Finally, in order that the Government may never lose the service of a man by the expiration of enlistment almost immediately after the outbreak of war, it is provided that all enlistments in the Army, the Organized Militia, and in class A and class B reserves shall, regardless of the time of their beginning, continue in force for one year unless the war sooner terminates. A provision is also added to the effect that nothing in the act should be construed to shorten the prescribed period of enlistment.

With this bill enacted into law and its provisions thoroughly worked out we could confidently rely upon each organization of our Army and Militia being ready at all times should an emergency suddenly arise to take the field at once with ranks filled to war strength with well-trained men. If the emergency should prove to be a serious one, we might expect to see within a few weeks an additional organization made up from class B reserve mobilized at the same place from which the original organization had moved out and ready to follow it to the front.

And bear in mind that only men already trained for their duties are thus far included. The importance of this feature of the plan can be fully appreciated only by those who have kept pace with the rapid development of firearms and the complete revolution in military tactics made necessary by the use of long-range, high-power, rapid-fire rifles and the still more wonderful improvement in artillery. Fifty years ago soldiers made the attack shoulder to shoulder. It would be suicide now. Then the trained men could carry with them by physical contact the untrained. Now, unless each individual soldier knows his duty, there is danger of his lack of training seriously impeding the others.

The plan which I have attempted to outline is in line with the true conservation spirit of our times. With comparatively small expense to the Federal Treasury it undertakes to gather up and keep ready for use when needed that greatest of military resources, heretofore almost disregarded, the men trained at great expense to fight our battles.

I close as I began by saying that I detest war. I do not believe it is imminent and earnestly pray that our people may be delivered from it throughout the years to come. Yet my duty as a Member of this House and of the great Committee on Military Affairs has brought me to consider these questions as a practical man and legislator, and not as an idealist or a dreamer. If I, with my responsibility resting upon me, should close my eyes to facts as they exist and be content to fold my arms in supplication that war may never come again, and then it should come and find my country unprepared, I should surely feel myself subject to the reproach of being an unfaithful as well as unprofitable servant. It is in that spirit I bring these observations upon a bill which I believe will accomplish much toward the solution of one of our serious problems, that of a proper, reasonable, and adequate national defense. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TILSON. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, page 2, line 12, by inserting after the word "day" the following: "Which eight hours shall terminate within nine hours from the beginning of workday."

Mr. MANN. Does the gentleman desire to have that amendment adopted in the form in which it is?

Mr. WILSON of Pennsylvania. Yes; I think it is absolutely necessary because of the statement received from the War Department, and indeed testimony given before the committee, that they work in some cases 12 to 16 hours, and this amendment is necessary in order to correct that.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. SPARKMAN. I would like to ask the gentleman in charge of the bill if he will not accept an amendment to his amendment, reading as follows:

At the end of line 12, page 2, insert:

"Within nine hours from the beginning of workday, except in the case of service which is by its nature noncontinuous, or which requires only a portion of the employee's time, or which is required only for brief periods at intervals; and it shall be unlawful for any officer of the United States, or——

Mr. WILSON of Pennsylvania. Mr. Chairman, I would not agree to an amendment of that kind. That amendment would destroy the entire purpose of the bill. As I stated in reply to the gentleman from Illinois [Mr. MANN], there are many of these workmen whose work is not continuous, although they are on duty continuously, and it has been stated to the committee in the hearings, and it is also stated from the War Department, that there are many of these men who do not now work more than eight hours, and yet they are continuously on duty from 12 hours and upward. So that with the amendment suggested by the gentleman from Florida [Mr. SPARKMAN] the entire purpose of the bill would be destroyed. I have no objection whatever to an amendment which would exclude from the operations of this bill men who are engaged in tending locks, because there are many of those who are not burdened with arduous duties, who only have to tend to the locks two, three, or four times a day, and the remainder of the time they do not have to be on duty because they can be notified in plenty of time in advance of a vessel approaching the locks and attend to their duties there. I have no objection to an exception being made to that class of men, if that is the purpose of the gentleman, but I have an objection to the amendment in the form in which it is presented.

Mr. SPARKMAN. Mr. Chairman, I would like to say to the committee, while I do not intend myself to press this amendment unless the gentleman will accept it, the suggestion was made to me by the Chief of Engineers. I called attention to this matter last Wednesday, when this bill was under discussion, referring at the time to a communication I had from the Chief of Engineers on the subject, and I am going to ask permission to extend my remarks in the RECORD and insert this document, as also a statement which I have since received from the same source, embracing several amendments to the bill, which that official thinks and which I believe should be adopted. One of these I have just read. I would like to insert both of these statements in the RECORD in connection with my remarks.

The CHAIRMAN. The gentleman from Florida [Mr. SPARKMAN] asks unanimous consent to extend his remarks in the RECORD by inserting certain papers to which he has referred. Is there objection?

There was no objection.

The papers referred to are as follows:

[Memorandum on H. R. 18787, Sixty-second Congress, second session.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, July 22, 1912.

1. The Chief of Engineers desires to invite attention to certain features of H. R. 18787, amending the act of August 1, 1892 (27 Stat., 340), which was favorably reported to the Committee of the Whole House on June 18, 1912, from the Committee on Labor, with a committee amendment in lines 12 and 13 of page 2 of the bill, as follows: "which eight hours shall terminate within nine hours from beginning of workday."

2. The hearings on this bill by the Committee on Labor February 20 to March 9, 1912, show that the intent of the bill, as stated by the Hon. W. B. WILSON, by whom it was introduced in the House, is to regulate "the hours of labor of men working on the steam shovels, the dredges, and the tugs on the Great Lakes and other seaport towns in possession of the United States," such employees having been declared by the Supreme Court of the United States in Eastern Dredging Co. *v.* the United States and Bay State Dredging Co. *v.* United States (206 U. S., 246) to be beyond the purview of the act of August 1, 1892. The wording of the bill itself, however, is much broader than its declared purpose indicates, and covers "all persons who are now or may hereafter be employed by the Government of the United States or the District of Columbia or any contractor or subcontractor in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia." It will be seen that this language covers not only the dredge workers for whose benefit the bill was introduced, but, while applying only to laborers and mechanics in other branches of the service, it applies to all employees engaged on river and harbor work, of whatever class and designation, no matter what may be the conditions of their employment. It will restrict the service of all masters, mates, and crews of all vessels—cooks, cooks' helpers, teamsters, and stablemen, and hostlers, the operating forces

at locks, and many other employees whose occupation requires them to be subject to call at irregular hours or at times outside the regular working day. The conditions of employment of such persons differ radically from those of the ordinary laborer or mechanic at work in factory, shop, or mine, or on buildings or other works on shore. The latter begin work at a fixed hour, work continuously, and, except for the noon hour, without interruption for eight hours, and is then free to go to his home until the hour for returning to work next day. The application of the eight-hour law to such employees presents no difficulty, and the proposition that it is in principle economically sound is not here questioned, but for the other classes of employees described above the conditions are different and the application of the eight-hour law as proposed by the committee will present great difficulty.

3. These employees fall in two general classes: First, those whose employment is irregular and who may be called on to render service for short periods at intervals throughout a fairly extended tour of duty, the aggregate amount of labor in 24 hours, however, being small; and, second, those who are regularly required to render service before and after the regular working hours, with a period of idleness during the regular working day. Among the first class are lock attendants and operatives on rivers and canals, where the actual amount of work required is less—sometimes very much less—than eight hours per day, but service may be required at irregular intervals, depending upon the arrival of boats desiring to pass through the locks. These men live in Government quarters at the locks, and, except when actually needed to operate the lock to permit the passage of vessels, their time is entirely their own. They are paid by the month, regardless of the amount of work done, and their aggregate service is not usually at all burdensome. In the same class are watchmen and persons in supervisory positions, and other positions of responsibility, who are liable to be called upon at any hour and whose service can not be confined to the hours of a regular working day, such, for example, as masters and chief engineers of vessels, who, under maritime law, are at all times responsible for matters falling within their several jurisdictions and can not shift this responsibility to others. These men must be subject to call at any hour when the need for the exercise of their functions arises. The same is true of assistants in responsible charge of any important work.

4. The second general class of these employees comprises those whose employment requires them to render service before and after the regular hours of a working day in order that the main force may work a full day, but who can be, and are, relieved from duty part of the time during the day. Among these are employees who start the fires and get up steam before working hours in the morning and bank the fires and clean up for the night after the day's work is done; cooks and waiters, hostlers, stablemen and teamsters, boatmen under certain conditions, and others. Under the present law the employment of such persons is considered to be in conformity with law if the aggregate amount of service rendered does not exceed eight hours per day, though the eight hours may not be consecutive. If the pending bill should pass, they can not be called upon to render service after the expiration of nine hours from the time they first begin work, regardless of the amount of leisure intervening.

5. With regard to all of these men it may safely be said that, except in emergencies, none of them perform more than eight hours of work per day. So far as this office knows, there is no general complaint among employees of either of these classes as to their present conditions of employment and no general demand among them for any further legislative restrictions upon their services.

6. The bill now under consideration, especially the committee amendment requiring that every man's work must be performed within nine hours of the beginning of the workday, will require that in almost all cases of irregular employment, as described above, additional men must be provided, so that no man will be subject to call during more than 9 hours of the 24. At all locks three complete operating shifts will be required, since boats are liable to pass at any hour, although there may not be more than two or three lockages per day. There are no quarters for the additional men, and to provide quarters and to pay the additional men will very largely increase the cost of operating the locks and, in many cases, will result in the establishment of what will be practically a free salary list. Cooks and waiters must also be doubled, since under the proposed legislation those who prepare and serve breakfast will not be available to prepare and serve supper and clean up the kitchen for the night. A double force of stablemen and hostlers will be required, since the man who feeds the animals in the morning can not be required to feed them at night, more than nine hours later, although he may have done nothing in the interval; and, in short, double shifts will be required for every class of work and in every case when the work now done by one shift can not be entirely completed within nine hours from the time of beginning. This will, in many cases, result either in paying two men to do one man's work or in reducing the effective hours to considerably less than eight. For example, tugs tending dredges, which may be required to place the dredge in position for work in the morning, to move it as needed during the day, and perhaps return it to its moorings at night, or changing crews when shifts are made, must usually be operated for approximately an hour before the dredge begins to dig in the morning and an hour after the dredge ceases at night. During the day, however, the tug may be idle a good part of the time. If the work of the tug's crew must be performed within nine consecutive hours, either the work of the dredge will be cut down to approximately seven hours or a double crew must be shipped on the tug to do one hour's work. Either of these alternatives is economically unsound. The same considerations apply to tugs and scows engaged in the disposal of material excavated by dredges, especially when a long tow is required. The work on these boats is intermittent and the periods of rest aggregate a considerable part of the day.

7. These remarks concerning the operation of tugboats apply with almost equal force to the operation of the dredges themselves. Owing to the time necessarily consumed in getting into position to work in the morning, time lost by delays and interruptions during the day, and the time consumed in pulling out of the cut and tying up at the moorings for the night the dredge must be under steam and its crew ready for duty for approximately 10 or 11 consecutive hours in order to secure 8 hours of actual dredging work. This matter was fully examined into in connection with dredging operations on the Great Lakes last year, and the reports from all the officers in charge of such work were unanimously to the effect that under present conditions of operation no man on either the dredges or the tugs does regularly more than 8 hours of actual work in the course of the working day and that from 2 to 3 hours or more of the period between the time the crew is called to work in the morning and the time they quit at night is lost through the causes mentioned. To restrict the period of service of each member of the crew to within 9 hours from the beginning of the workday will therefore either cut down the time of actual work of the dredge and of the individual members of the crew to less than 8 hours or will require the employment of an additional shift of men. It should be remembered that these employees are paid by the month and are not subject to loss of pay for lost time, even though the dredge be tied up doing nothing, and that, except in a few cases, they live on the dredge during the time she is in commission. The time occupied in placing the dredge in position for work and moving her out of the cut at night is analogous to the time occupied by the laborer or mechanic ashore in going to and from his place of employment. This time is not counted as part of his day's work, the beginning of which must find him in his appointed place ready to render useful service, and at the end of which—and then only—he is at liberty to leave that place. By analogy it would seem fair to count the time of the dredge worker as beginning when the dredge pump is started or the dredge dipper makes its first swing and as ending when actual dredging stops at the end of the day.

8. The bill, if passed, will apply to the construction and repair of levees and revetments on navigable rivers of the United States, whether done by hired labor or by contract, and will thus operate to nullify the exception made with regard to contracts for such work in the act approved June 19, 1912 (Public, No. 199, H. R. 9061, this Congress). Moreover, as amended by the committee it will prevent the practice followed in some places of beginning work early and "laying off" for more than one hour in the heat of the day.

9. Another feature of the matter is the fact that the bill as drawn will apply the eight-hour law with the nine-consecutive-hour limit strictly to all members of the crews of all vessels employed on river and harbor work, including not only dredges but dispatch boats, tugboats, inspection boats, and work boats of all kinds. These men are universally admitted to be seamen and are now subject to the same conditions of employment as other seamen. This bill as drawn therefore singles out from among all seamen employed by or on behalf of the United States those particular seamen who are engaged upon one particular kind of work, under one particular branch of the Government service, and makes them a favored class under the law, thus creating among seamen the same kind of discrimination between classes as is now complained of by the dredge employees, whose claim is that they are virtually artisans and laborers and that under present interpretations of the law they are less favored than men in similar lines of work on shore.

10. In view of the considerations above advanced, it is suggested that if the bill be passed it be first amended by the omission of the committee amendment requiring every man's work to be completed within nine consecutive hours, and by changing the phraseology "all persons * * * employed * * * in constructing, maintaining, and improving a river and harbor," so as to make it apply only to operators of dredging machinery who live on shore and simply go on board the dredge during the day to perform their day's work. This will accomplish the purpose for which the bill was introduced without involving far-reaching complications, the extent of which can not be fully seen. It will distinguish between persons who are engaged simply and solely for the mechanical work of digging a channel and persons who are engaged to navigate vessels; and it will avoid singling out the employees of one department of the Government for special favor above employees of similar classes who do similar work for other branches of the Government service.

W. H. BIXBY,
Chief of Engineers, United States Army.

[Memorandum on H. R. 18787, which is a bill to amend the eight-hour law of August 1, 1892.]

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, July 30, 1912.

1. The following amendments are recommended:

a. In line 10, page 2, change "and" to "or," to agree with phraseology in other parts of bill.

b. In line 9, page 2, strike out "in constructing, maintaining, or improving a" and substitute "to perform services similar to those of laborers and mechanics in connection with dredging (snagging, or rock excavation), in any," so as to make the clause read, "and of all persons who are now or may hereafter be employed by the Government of the United States or the District of Columbia, or any contractor or subcontractor, to perform services similar to those of laborers and mechanics in connection with dredging (snagging, or rock excavation), in any river or harbor of the United States or of the District of Columbia." Same amendment in lines 17–18, and in line 21, page 2, and in lines 8–9, and in lines 23–24, page 3.

NOTE.—The object of the bill is to bring within the protection of the eight-hour law the dredge workers who by the decision of the Supreme Court on May 13, 1907, were declared not to be "laborers or mechanics employed on any of the public works of the United States" within the meaning of the act of August 1, 1892. The amendment suggested will cover these men without going so far as to embrace a large variety of other employees the conditions of whose employment are such that they do not need the protection of the proposed law.

c. In line 13, page 2, after "workday," insert "except in the case of service which is by its nature noncontinuous, or which requires only a portion of the employee's time, or which is required only for brief periods, at intervals," so as to make the clause read, "which eight hours shall terminate within nine hours from beginning of workday, except in the case of service which is by its nature noncontinuous, or which requires only a portion of the employee's time, or which is required only for brief periods, at intervals."

NOTE.—In the ordinary case of regular continuous manual labor which this bill is designed to cover, the time and attention of the employee must be given to the work from the time he begins work in the morning until he quits at night, except for the noon stop for dinner. There are, however, many cases among "all persons employed in constructing, maintaining, or improving a river or harbor" in which the work is necessarily intermittent, and the employee has time during the day that is at his own disposal for his own private affairs, or in which incidental service of minor character must be rendered before or after hours. Among employees of this character are cooks, cooks' helpers, waiters, servants, messengers, day and night watchmen, lock masters and lock employees, light keepers on the western rivers, whose duty it is to light the lights at nightfall and extinguish them in the morning, and keep the lamps cleaned and filled ready for service; teamsters, who are required to feed their horses in the morning before beginning work and again in the evening after working hours; firemen, who start boilers in the morning before regular hours and clean boilers or remove ashes after regular hours, and others. The proposed amendment, while

preserving the general intent of the bill, will avoid complications in the employment of these classes of persons.

d. At the end of section 1, page 2, add the following: *"Provided,* That nothing in this act shall apply or be construed to apply to persons performing directory, supervisory, technical, clerical, or subclerical duties, nor to masters, pilots, mates, or other persons duly articled as seamen, whose service is governed by the general navigation laws."

NOTE.—This amendment is suggested to take out of the operation of the act positions of the class which the proponents and advocates of the bill apparently had no intention of covering; also the masters and crews (other than the dredge workers) of vessels regularly in commission when governed by the general navigation laws. A bill (H. R. 23673) amending the general laws for the regulation of the employment of seamen is now before the House; and the provisions of H. R. 18787, which would apply the eight-hour law with the nine consecutive hour limit to seamen engaged in river and harbor work, are in conflict with those of H. R. 23673 governing seamen in general. Should H. R. 18787 be passed without amendment, it would put seamen who may be employed in connection with rivers and harbor work on a different basis from other seamen and would prevent the use of the ordinary watch-and-watch system which is universally recognized and which is provided for in H. R. 23673, and would require seamen on river and harbor work to work eight hours consecutively instead of four hours on and four hours off, as contemplated by the general navigation laws. It is believed that all persons covered by this proposed amendment render services of a character which should reasonably be excepted from the rigid requirements of the bill as drawn, especially from the limitation of service to nine consecutive hours; for example, men in supervisory positions, who do no manual labor, but who may have office work to do or reports to make after hours; clerks, whose employment is governed by other law (R. S., 1764–1765); masters, pilots, and mates who are necessarily responsible and subject to call at all hours, especially on continuous voyages between ports, and one of whom must be responsible for the boat during the entire trip, irrespective of hours.

W. H. BIXBY,
Chief of Engineers, United States Army.

Mr. SPARKMAN. Now, Mr. Chairman, I wish to add that it seems to me that if this bill passes the House in its present shape it is going to work a great hardship on the Government. It will not only cost the Government a great deal more, in my opinion, and in the opinion of the engineers, but it is going to embarrass them very materially in carrying on certain classes of river and harbor work. The amendment which the gentleman says he is willing to accept will not meet the entire situation. It would meet a part of it, to be sure, but not all. I had hoped that he would accept not only that amendment, but others of a similar nature suggested by the Chief of Engineers, and a copy of which I furnished to the gentleman from Illinois [Mr. BUCHANAN] this morning.

Mr. WILSON of Pennsylvania. Mr. Chairman, I will state to the gentleman that I have no objection, so far as I am concerned, to amendment "A" in that document furnished by the War Department, or amendment "B"; and certain amendments to amendment "D" I would be perfectly willing to agree to; but to amendment "C," which is the one the gentleman just suggested, I am opposed.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SPARKMAN] has expired.

Mr. SPARKMAN. Mr. Chairman, I suggest——

Mr. MOORE of Pennsylvania. Mr. Chairman, I move that the time of the gentleman from Florida [Mr. SPARKMAN] be extended five minutes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent that the time of the gentleman from Florida be extended five minutes. Is there objection?

There was no objection.

Mr. SPARKMAN. I would then offer as an amendment, in line 10, page 2, changing "and" to "or."

The CHAIRMAN. The Chair will state to the gentleman from Florida [Mr. SPARKMAN] that there is an amendment pending, and when that amendment is disposed of his amendment will be entertained.

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

Mr. SPARKMAN. Certainly.

Mr. SABATH. Did I understand him correctly to state a few moments ago that the Engineer Department was opposed to the eight-hour work?

Mr. SPARKMAN. Not in any sense of the word. As I understand it, they are in favor of all reasonable application of the eight-hour principle. But they are of the impression, in fact they are pretty firmly convinced, that this bill, as we are proposing to pass it here, would work a great hardship on the Government in certain kinds of river and harbor work.

Mr. SABATH. How many hours do the engineers work a day?

Mr. SPARKMAN. I can not say as to that, but I think Gen. Bixby and some of the other gentlemen there work 16 hours a day. I fancy I am safe in saying they work more than 8 hours.

Mr. SABATH. Gen. Bixby and the rest of them?

Mr. SPARKMAN. Oh, the clerks there, perhaps, do not.

Mr. SABATH. Then I would say they are overworked and need some relief.

Mr. SPARKMAN. I am inclined to believe that. And I have no doubt the gentleman himself is overworked. He works more than eight hours a day. But that is neither here nor there.

Mr. Chairman, I am in favor of this class of legislation. I have no objection to an eight-hour workday. I think the principle is sound economically and is beneficial to all. I believe that wherever it can be applied to workmen it ought to be applied, and in most cases of continuous work it can easily be applied; but in certain classes of river and harbor work it is not easy of application and would work a hardship on some. In many cases the employee works intermittently a few minutes and then stops for perhaps an hour or two. So that it would be difficult to apply the eight-hour principle or this nine-hour provision to them without entailing a hardship upon the Government or its contractor, which is the same thing.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to ask the chairman of the committee a question. I do not exactly understand the amendment that he suggested that he would not object to. I do not have it before me, and I want to ask the gentleman this question: On the Mississippi River they have what are called "range lights" in the river. There is a man employed by the Government to see that these lights are lighted at night and put out in the morning. Now, more than nine hours will elapse between the time the man goes to put them out in the morning and the time when he goes back to light them again in the evening, but it will take perhaps only an hour or two in the morning and perhaps only an hour or two in the evening. Now, the gentleman, I understand, is willing to accept the amendment as offered. I want to ask the gentleman whether under that amendment that class of contractors would be excepted from this nine-hour limitation.

Mr. WILSON of Pennsylvania. If they come within the construction of "laborers and mechanics," they would not be exempted, and they would still be included.

Mr. HUMPHREYS of Mississippi. The gentleman understands that a man takes a contract, as I understand it, to keep these lights burning, and he is paid so much, a very small compensation—as I recall, $10 a month. But he takes a contract with the Government, and it is in relation to the improvement of the navigation of our rivers.

Mr. WILSON of Pennsylvania. That part is stricken out in the amendment, and it is only work in relation to dredging, snagging, or rock excavation that would be included in the amendment. The other works in connection with rivers and harbors would be excluded, and the maintenance would be excluded from the operation of it. Nothing would be included except the dredging and snagging and excavation, as the intent and purpose of the authors of the bill and the committee was to apply the eight-hour workday to the dredgemen, because the Supreme Court had held that they were not laborers or mechanics, but were seamen, and consequently the general eight-hour law did not apply to them. Personally I have no objection to the bill being amended so that it applies to the dredging work alone.

Mr. HUMPHREYS of Mississippi. Under the amendment, as I understand the gentleman, this lamplighter would not, in his opinion, be limited by this nine-hour provsion? The same man could go in the morning and put the lamp out and return in the afternoon to light it, more than nine hours apart?

Mr. WILSON of Pennsylvania. That would not, in my judgment, be considered as work in connection with snagging and dredging and rock excavation; and it not being either of these three, it would not change existing law as applying to them.

Mr. MOORE of Pennsylvania. Mr. Chairman, may we have that amendment reported?

The CHAIRMAN. The amendment has already been reported, but the Clerk will again report it.

The amendment was again read.

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

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

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Mississippi [Mr. HUMPHREYS] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add, after the word "emergency," in line 24, page 2, the following proviso: *"Provided,* That the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States shall be considered to be extraordinary emergency work within the meaning of this act."

Mr. HUMPHREYS of Mississippi. Mr. Chairman, in the river and harbor bill which has recently become a law this provision was carried, because the House believed that that

character of work was extraordinary emergency work. In the eight-hour law which was passed by the House a few weeks ago, known as the Hughes bill, there was also a provision, incorporated in the Senate and agreed to by the House, which excepted from the eight-hour limitation work done on levees and revetments to prevent floods on the navigable streams of the country.

Contractors who are engaged in this work believed that that was emergency work, because there are only a few months in the year in which such work can be done on the levees to protect the country from overflow, and they proceeded upon the theory that that was always emergency work. But the Supreme Court, last fall, in construing that statute, said that as it was a continuing emergency, an emergency that was always present, as the work of levee building was continuous, in the opinion of the court Congress did not intend to except it by the use of the words "extraordinary emergency," and it therefore declared that all levee work came within the limitations of the eight-hour law.

As a matter of fact, whatever it may be as a matter of law, the building of levees to protect the country from floods is an extraordinary emergency, because there are only a few months in the year when this work can be done. We have all seen in the past few months what calamitous results may follow if the work is not prosecuted, and prosecuted vigorously, in the months in which it can be done.

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

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

Mr. HUMPHREYS of Mississippi. Yes.

Mr. BOWMAN. If the work described by the gentleman is continuous, why is it not possible to have three shifts of eight hours each?

Mr. HUMPHREYS of Mississippi. It is. It is possible to have three shifts of eight hours always on all work. There never was any extraordinary emergency where it was not possible to have three shifts of eight hours each. The question is not whether it is possible or not. The question is whether it is desirable to require it.

Gentlemen will understand that this work is in no way performed by skilled labor. It is performed, as a rule, by the farmers in the neighborhood. It simply consists in hauling dirt and dumping it onto the levees. Unless it can be done in the months when there is no high water and before the rainy season sets in it can not be done in time. This year the conditions proved to be calamitous to such an extent that at one time the Secretary of War reported that he was feeding and housing 160,000 people who had been rendered homeless by the breaks in the levees.

Mr. MOORE of Pennsylvania. Does not the gentleman think the words "except in case of extraordinary emergency" cover the very point he makes? I think the bill covers his point.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SISSON. I ask unanimous consent that my colleague have five minutes more.

The CHAIRMAN. The gentleman from Mississippi [Mr. SISSON] asks unanimous consent that his colleague [Mr. HUMPHREYS] have five minutes more. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. It seems to me that the gentleman's amendment is already covered by the bill. The gentleman cites the particular instance of the levees of the Mississippi River. There might be emergencies in other places, so that the specification of the Mississippi River in the bill might work a hardship in other extraordinary emergencies.

Mr. HUMPHREYS of Mississippi. The amendment does not specify the Mississippi River. It refers to all rivers, and it is the exact language which the House incorporated into the recent eight-hour law, and it is the language which we put into the river and harbor bill, because we believed as a matter of fact that this is extraordinary emergency work, although the court, very properly, perhaps, decided under the language of the law that it is not extraordinary emergency work.

Mr. BOWMAN. Will the gentleman yield for one other question?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. BOWMAN. The present speaker has had some experience in the sort of work the gentleman speaks of, and it is very exhausting. I do not think any man ought to be kept at that kind of work more than eight hours.

Mr. HUMPHREYS of Mississippi. The gentleman understands that you can not require anybody to work on that kind of work more than eight hours unless he wants to do it; but the little farmers around there, when they lay by their crops, are all very anxious to get at this work, and they start out in the morning early; and if they can work only eight hours they have to cease work long before sundown, knowing that the two or three hours during which they must remain idle may mean that the floods will come down the river and break the levees and destroy their property.

As to the three shifts of men, of course you can not build levees at night. It would be out of the question to undertake to light up that whole levee line so that they could work at night. They simply work in the daytime.

Mr. WILSON of Illinois. Right there on that point, does not the gentleman think the last two lines on page 2 of this bill cover the very proposition which the gentleman speaks of?

Mr. HUMPHREYS of Mississippi. No.

Mr. WILSON of Pennsylvania. Except in extraordinary emergencies.

Mr. HUMPHREYS of Mississippi. I thought so, and we undertook in that way to allow more than eight hours' work. The parties were indicted and the case finally got to the Supreme Court of the United States, and they held that the building of levees to prevent floods along the Mississippi River was not extraordinary emergency work. Whatever the facts are, the court has held that to be the law. I hope there will be no objection to this amendment. We put it in the river and harbor bill, we put it in the other eight-hour law, and certainly nothing has arisen since then to make it less desirable now than it has been in the past, when it was placed on these other two bills. I hope therefore that the House will agree to put it in this bill, just as they wrote it into both of the others.

Mr. BUCHANAN. Mr. Chairman, I am opposed to this amendment, for the reason that the bill now provides for the exception of extraordinary emergency work. The statement of the gentleman from Mississippi [Mr. HUMPHREYS] leads me to believe that the amendment put in the river and harbor bill was not for an emergency. Where there was a real emergency, and it was necessary to work 10 or 12 hours a day in order to save life and property, that probably could be done; but from the remarks of the gentleman from Mississippi [Mr. HUMPHREYS] it appears that this work is only made emergency work owing to the fact that that amendment went into the bill. It seems to me this provision in the present bill is ample to protect extraordinary emergency work—that is, work which needs to be expedited in order to save life and property. As I understand it, ordinary levee work is not extraordinary emergency work. It is not necessary to work more than one shift, and therefore, in my judgment, the eight-hour law ought to apply to it. If we are going to make this an exception, we probably will have a demand in the near future for another eight-hour bill. By all means let us try to get this bill so that it will apply to Government work and cover all that is intended to be covered by Congress, and not let amendments be inserted here which, in my judgment, would annul the law so far as levee work is concerned. In a case where it is necessary to protect life and property, where there is a great flood threatened, or where, as recently occurred, the levees are destroyed and the water is overflowing the country, destroying property and creating a condition that is unhealthful and will result in preventing farmers from raising crops, that is an emergency. That is why I made no objection in regard to the present levee work, caused, as I understand it, by the washing out of the levees, which makes it necessary to strengthen them and make them higher. Where it is necessary to make the levees higher it does not seem to me to be extraordinary emergency work, and if it is this bill is sufficient, where it says that extraordinary emergency work shall be excepted.

Mr. BOWMAN. Mr. Chairman, will the gentleman yield until I can ask a question of the gentleman from Mississippi?

Mr. BUCHANAN. Mr. Chairman, the gentleman can get time in his own right.

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

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Illinois be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, a few days ago we passed a law limiting the hours of daily service of laborers and mechanics employed upon work done for the United States, and so forth, and provided that in every contract made hereafter in which the United States, and so forth, was a party, a provision for an eight-hour limitation should be incorporated. In that law we made the exception that it should not apply to contracts for the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States.

Mr. BUCHANAN. That was a Senate amendment, was it not?

Mr. HUMPHREYS of Mississippi. Yes; to which the House unanimously agreed. If the United States can contract for this kind of work without incorporating in the contract this eight-hour limitation, why should the eight-hour limitation then be applied to the man who makes the contract with the Government? It occurs to me that if it was good policy then—and that was only on the 19th of June last that the bill was approved—to incorporate that provision in the bill, it certainly ought not to be objectionable now.

Mr. BUCHANAN. Mr. Chairman, I want to say to the gentleman that that was accepted, I believe, by those who were interested in the bill because they feared further delay and possible defeat of the bill. It was acquiesced in because of the fact they thought if they made an effort to secure the approval of the Senate to the bill as they wanted it it would probably result in delay and possibly in defeating it. So far as this eight-hour law is concerned, I want to say that it has been demonstrated time and again that more work can be obtained in that way than with a longer day. Much has been said here about the farmer. I honestly believe, from the information I have from the votes on this question, that if it were left to the farmers they would vote for an eight-hour law. In Colorado and New York, where this question of eight hour or shorter workday has been voted on by the people, so that the State constitution might be revised to permit the enactment of an eight-hour law, the vote has been in favor of the eight-hour law almost three to one, and I have no knowledge of any vote that has ever been taken on that question, when it has been put clearly to the people, that has not been carried by a large majority.

Mr. HUMPHREYS of Mississippi. I am not aware, of course, of that situation, and the gentleman is, as to the modus operandi by which this amendment was agreed to on the other eight-hour bill. The gentleman states that it was put on there in order to prevent objection and further delay to the bill.

Mr. BUCHANAN. I will say the same thing was done in regard to the date it was to take effect—the 1st of January. Those who were interested in it wanted it to take effect at an earlier date than that, but rather than take any chances they accepted the Senate amendment.

Mr. HUMPHREYS of Mississippi. Does the gentleman think it entirely fair if that is true, if the other eight-hour bill was passed through the House by agreeing to exempt this particular work from the eight-hour limitation that we should now put it in another bill and apply it?

Mr. BUCHANAN. I say that I think it is fair to try and get an effective eight-hour law which Congress formerly intended and which the people want and this House favors.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I move to strike out the last word. I have just looked at the amendment offered by the gentleman from Mississippi and I feel that it is an amendment that ought to be opposed and defeated. It would defeat to a large extent the very purpose for which this bill is intended. We adopted an eight-hour law for certain Government employees, in the Post Office, on public works, and elsewhere, and now propose to extend that law to those who work on dredges, who by reason of a Supreme Court decision have been held not correctly designated as laborers. This bill proposes to cover that provision of the Supreme Court decision. If this amendment be adopted, it means that we take out of the category of laborers entitled to an eight-hour day the men who must necessarily be employed on permanent works protecting the banks of rivers against floods. It refers not only to the men who will work by the hundreds and thousands building up the levees and revetments along the Mississippi in times of flood and distress but those who work on every other river throughout the country, which rivers by reason of legislation and the ordinary processes of the engineers' office, will be protected against flood when there is no flood. If the amendment meant that we were to except those laborers who were called suddenly while the waters were flowing in, threatening to destroy human life and property, the situation would be different. It applies to any permanent work begun this year or any other time by way of precaution against floods that may happen next year or a hundred years hence. It is not an emergency amendment, and, if adopted, will release from the provisions of the eight-hour law thousands of men who will be engaged upon permanent work not only on the Mississippi but on all the other rivers of the country.

Mr. MANN. Mr. Chairman, I dislike to see the House take a backward step on the eight-hour proposition. I appreciate the difficulty which the gentleman from Mississippi [Mr. HUMPHREYS] has stated to the House in reference to levee work, and yet the existing law applies to laborers in that class of work. To now provide that that class of labor should be excepted from the law, it seems to me, would be taking a backward step. The law now applies to laborers on river and harbor work. The purpose of this bill is to make it apply to these men who are called by the Supreme Court, and I have no doubt that that is correct, seamen; but to say that it shall not apply to laborers in the future is to say that Congress is endeavoring to repeal that provision of the law that has been on the statute books for many years.

Mr. HUMPHREYS of Mississippi. The law that passed in June excepts this work.

Mr. MANN. The law that we passed in June excepts this work, but that law specifically provides, if I remember correctly, that it shall not take out from under the eight-hour law anyone who is included under the eight-hour law under this original act. It does not repeal any provision of the original act.

Mr. HUMPHREYS of Mississippi. But it provides that such contracts need not embrace this eight-hour limitation.

Mr. MANN. Under that law; but the original eight-hour law passed in 1891 or 1892, I believe, expressly applies to contracts with laborers, employees either by the Government or by contractors, and puts that labor on the eight-hour basis, and it has been on an eight-hour basis all that time. Now, as to emergency work like happened this spring. The eight-hour law does not apply to that case. That is a case of extraordinary emergency.

Mr. HUMPHREYS of Mississippi. We have proceeded ever since 1892 and have always proceeded upon the theory that levee building was an extraordinary emergency work, and we proceeded upon that theory until the past year, when the Supreme Court decided otherwise. Thereupon the very first opportunity which arose where the matter was pertinent this Congress excepted levee work in the river and harbor bill, and then in the first eight-hour law afterwards we excepted it, and it occurs to me, having ascertained that this is not emergency work, which we have heretofore thought it was, it would be no step backward now to declare the law to be what we thought it was all the while.

Mr. MANN. I will say there was no vote in the House on that proposition as an amendment of the eight-hour law recently passed here or as an amendment to the river and harbor bill.

Mr. HUMPHREYS of Mississippi. There was no objection.

Mr. MANN. Both items were inserted in the Senate or in conference, and the House never had a chance at all.

Mr. HUMPHREYS of Mississippi. The matter was called to the attention of the House by the gentleman from Illinois himself.

Mr. MANN. Yes; but I was not willing to vote against the conference report on the river and harbor bill, knowing probably we would have a chance to take care of it on this bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BOWMAN. Mr. Chairman, if there has been an exception in connection with construction work on levees and revetment not occurring while the water is forcing its way through them, it is time it was changed in the interest of humanity. The report on this bill states very distinctly:

> At the present stage of the discussion of reducing the hours of the workday it is no longer necessary to set out to prove the benefits to mankind gained everywhere in industrial life through cutting off all the hours of employment above eight.

That character of employment is very exhausting work, and I do not think there should be any exception made in this case. A vote should be had in this House to decide whether or not such an exception should be made.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move that all debate on this section close in five minutes.

The CHAIRMAN. The gentleman from Pennsylvania moves that all debate on this section close in five minutes.

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

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SHACKLEFORD having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested.

S. 7209. An act to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.

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. 7209. An act to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.; to the Committee on Interstate and Foreign Commerce.

LIMITATION OF HOURS OF EMPLOYEES ON PUBLIC WORKS.

The committee resumed its session.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Mississippi.

The question was taken, and the amendment was rejected.

Mr. SPARKMAN. If the gentleman in charge of the bill is willing to accept some amendments which——

The CHAIRMAN. Does the gentleman rise to offer an amendment?

Mr. SPARKMAN. I am going to offer the following amendment: In line 10, page 2, change the word "and" to "or."

The CHAIRMAN. Will the gentleman from Florida send his amendment to the Clerk's desk.

Mr. SPARKMAN. I have not the amendment written.

Mr. MOORE of Pennsylvania. Perhaps I can help the gentleman from Florida, if his amendment is to line 9, page 2. If the gentleman will permit me, I will offer this amendment which I think is what he wants.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 8, amend, by striking out the words "in constructing, maintaining, or improving a" and substitute the following: "to perform services similar to those of laborers and mechanics in connection with dredging (snagging or rock excavation) in any."

Mr. WILSON of Pennsylvania. I would ask the gentleman from Florida to strike out the parentheses. It seems to me the parentheses ought to be stricken out.

Mr. SPARKMAN. I think that is very proper.

Mr. WILSON of Pennsylvania. With that change, I have no objection to it.

Mr. MANN. Is the gentleman quite sure that will accomplish what the Supreme Court has decided to be seamen on barges? As I understand the gentleman's amendment, it provides that all persons engaged in work similar to that performed by laborers or mechanics in dredging, snagging, and so forth. The Supreme Court has held, I think properly, that men operating upon a dredge on the water are not laborers and are not mechanics, but are under the designation of seamen. The statutes and elsewhere say they are seamen.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to read two sentences which will answer his question?

Mr. MANN. Certainly.

Mr. MOORE of Pennsylvania. The object of the bill is to bring within the protection of the eight-hour law the dredge workers who by the decision of the Supreme Court on May 13, 1907, were declared not to be "laborers or mechanics employed on any of the public works of the United States" within the meaning of the act of August 1, 1892. The amendment suggested will cover these men without going so far as to embrace a large variety of other employees, the conditions of whose employment are such that they do not need the protection of the proposed law.

Mr. MANN. Whose decision is this?

Mr. MOORE of Pennsylvania. Well, I have always believed, Mr. Chairman, that the Engineers of the United States Army are very careful students of the law and make very few moves without they are thoroughly advised. It happens that this is an expression from the Chief of the United States Army Engineers.

Mr. MANN. I have very great respect for his learning as an engineer and his learning as a lawyer, yet I am not entirely clear that the expression "persons performing work similar to laborers" would include seamen.

Mr. WILSON of Pennsylvania. In my judgment, it would not include a seaman in the ordinary sense of the term "seaman," but it would include that class of workmen in dredging work in our rivers and harbors who had prior to that time been considered as laborers and mechanics, but which under the decision of the Supreme Court were decided to be seamen, such as the firemen and the engineers and the laborers in connection with the dredging operations.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SPARKMAN] has expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent that the time of the gentleman be extended five minutes.

Mr. MANN. I thought I had the floor, but I yield it. The Chair had started to put the question on the amendment.

The CHAIRMAN. The Chair begs the gentleman's pardon. The gentleman from Illinois did have the floor.

Mr. SPARKMAN. I will say to the gentleman from Illinois [Mr. MANN] that I do not think those words embrace seamen in any sense. I think the language is drawn for the purpose of including seamen. There is a large class of employees who work on dredges that are not seamen in any sense.

Mr. MOORE of Pennsylvania. And are not seamen in any sense.

Mr. BUCHANAN. Mr. Chairman, the trouble we encounter and the necessity for this bill is that the Supreme Court has rendered a decision that they are seamen. If they are, I think there are some grounds for doubting whether this is a wise amendment to which to agree. Any way, it makes it uncertain to me whether or not it will cover the grounds we wish it to cover, taking into consideration the decision as rendered by the Supreme Court. Is not the purpose of this to exclude cooks, waiters, watchmen, and so forth?

Mr. SPARKMAN. All such employees as those; yes. Those who work on dredges, for instance, and in similar work.

Mr. BUCHANAN. And lock tenders? Why could we not have an amendment excluding cooks, waiters, lock tenders, and so forth?

Mr. SPARKMAN. Mr. Chairman, I took this amendment as it was given me by the engineers and submitted it to the gentleman this morning. I did not know he had any serious objection to it at that time. If he had I would have tried to have it conform to his views.

Mr. BUCHANAN. I am in harmony with the purposes of this amendment. As I stated the other day, it seems to me it is difficult, due to the rulings of the department officials and judges, to know just what we can put in to make it a workable law. It would be construed the other way sufficiently, I suppose, to let them "lubricate" it, but when it comes to getting benefit for the workmen, and reduce hours, and better conditions it is mighty hard to get the law applied as it was intended by the creators of the law.

Mr. HUMPHREYS of Mississippi. May I ask the gentleman from Florida [Mr. SPARKMAN] a question?

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

Mr. SPARKMAN. I do.

Mr. HUMPHREYS of Mississippi. In the work on the Mississippi River particularly—and I suppose it is true on a great many other public works—they use a great many teams. The contractor hires men to take care of them—to feed them early in the morning, for instance. Under your amendment, if it is agreed to, will it be unlawful for a man to feed the teams in the morning and feed them again at night, or does your amendment except them from this nine hours limitation?

Mr. SPARKMAN. I am not sure that it would go as far as that. Perhaps it ought to, but the amendment that would have covered that feature is one that the gentlemen in charge of the bill will not accept. They are willing, as I understand, to accept this particular amendment, which very likely does not go to the extent the gentleman suggests.

Mr. HUMPHREYS of Mississippi. The amendment that is now pending does not include teamsters?

Mr. SPARKMAN. It does not refer to teamsters.

Mr. HUMPHREYS of Mississippi. Is it the purpose of the gentleman when this is disposed of to offer an amendment to the bill which does make it possible for the contractor to employ a man lawfully to feed the teams in the morning and also to feed them at night?

Mr. SPARKMAN. The provision that I offered awhile ago embraced that class of employees. But I do not propose to offer any amendments here which those in charge of the bill will not accept.

Mr. HUMPHREYS of Mississippi. The gentleman, I understood, did not offer it, but had some discussion with the gentleman from Pennsylvania [Mr. WILSON] on the subject. Is it not his intention to offer such an amendment?

Mr. SPARKMAN. I do not wish to offer an amendment which the gentleman from Pennsylvania [Mr. WILSON] will not accept, and I understand he does not feel inclined to accept an amendment such as that.

Mr. MOORE of Pennsylvania. I want to say if the gentleman from Florida does not offer the amendment, I will.

Mr. MANN. That was an amendment to the amendment.

Mr. MOORE of Pennsylvania. It does not meet the emergency raised by the gentleman from Mississippi [Mr. HUMPHREYS].

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Florida [Mr. SPARKMAN].

The amendment was agreed to.

Mr. SPARKMAN. Just a moment. I want to protect that by another amendment. In line 10, page 2, change the word "and" to the word "or."

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

Mr. WILSON of Pennsylvania. I have no objection to the amendment.

The Clerk read as follows:

Amend, page 2, line 10, by striking out the word "and" and inserting the word "or."

Mr. MANN. What is the purpose of that amendment?

Mr. SPARKMAN. The intention is to make it agree to the amendment just adopted.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Florida [Mr. SPARKMAN].

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

Mr. MOORE of Pennsylvania. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MOORE] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, line 13, by inserting after the word "workday" the following: "Except in the case of service which is by its nature noncontinuous or which requires only a portion of the employee's time, and which is required only for brief periods at intervals."

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

Mr. MOORE of Pennsylvania. Mr. Chairman, does the gentleman from Pennsylvania [Mr. WILSON] object to the adoption of this amendment?

Mr. WILSON of Pennsylvania. I certainly do. It would destroy the entire purpose of the bill.

Mr. MOORE of Pennsylvania. Then, in support of the amendment, I will simply read the reasons that are given by the department for the amendment to the bill. I am heartily in favor of the passage of this bill. It is a good measure and yet there are some features that might be advantageously added. Therefore I submit these suggestions to my colleague from Pennsylvania [Mr. WILSON] and to the House. I read:

In the ordinary case of regular, continuous, manual labor which this bill is designed to cover the time and attention of the employee must be given to the work from the time he begins work in the morning until he quits at night, except for the noon stop for dinner. There are, however, many cases among "all persons employed in constructing, maintaining, or improving a river or harbor" in which the work is necessarily intermittent, and the employee has time during the day that is at his own disposal for his own private affairs, or in which incidental service of minor character must be rendered before or after hours. Among employees of this character are cooks, cooks' helpers, waiters, servants, messengers, day and night watchmen, lock masters, and lock employees; light keepers on the western rivers, whose duty it is to light the lights at nightfall and extinguish them in the morning and keep the lamps cleaned and filled ready for service; teamsters, who are required to feed their horses in the morning before beginning work and again in the evening after working hours; firemen, who start boilers in the morning before regular hours and clean boilers or remove ashes after regular hours; and others. The proposed amendment, while preserving the general intent of the bill, will avoid complications in the employment of these classes of persons.

Now, Mr. Chairman, these are the reasons assigned by officers of the Government who have charge of these public works, and it does seem to me that in the instances given perhaps there ought to be some latitude; where, for instance, a man is employed to come in and light the fires in the boilers in the morning, and goes away and then comes back and banks them at night; or, in the case referred to by the gentleman from Mississippi [Mr. HUMPHREYS], where a man is employed to feed the horses one hour, and then goes away and comes back later and feeds them again. It seems to me these are cases where there might fairly be an exception and where the department ought to have some discretion, especially since a penalty is imposed upon the employing officer—a penalty which involves fine and imprisonment.

Mr. WILSON of Pennsylvania. Mr. Chairman, the difficulty with the amendment submitted by the gentleman is that it covers a great deal more than is cited in the letter that he has just quoted from. It not only covers men who have to start the fires in the morning in the boiler room, before the day's work in general begins, and to the stablemen and hostlers and to the lock tenders who are employed only a part of the time, but it also includes all of the men employed on the dredges; and I want to quote from the same letter that the gentleman quoted from in order to show that the officers in charge realize that fact. In that letter this statement is made:

This matter was only examined into in connection with dredging operations on the Great Lakes last year, and the reports from all the officers in charge of such work were unanimously to the effect that under the present conditions of operation no man on either the dredges or the tugs does regularly more than eight hours' actual work in the course of a working day, and that from two to three hours or more of the period between the time he is called to work in the morning and the time he quits work at night are lost through the causes mentioned.

So that, if the exception that the gentleman proposes is included in the bill, it will not only take with it the hostlers and stablemen and lock tenders, but it will also take with it the dredgemen, the very men that are sought to be reached by this bill. I hope, therefore, Mr. Chairman, that the amendment will not be agreed to.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield before he takes his seat?

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

Mr. WILSON of Pennsylvania. Yes.

Mr. MOORE of Pennsylvania. I happen to know that there is sometimes great difficulty in the matter of serving meals on dredges. How would the gentleman, as an officer, regard the duty of a man who waits on the table during the meal hours? How would you enforce the eight-hour rule?

Mr. WILSON of Pennsylvania. So far as the culinary department is concerned, I do not see why an eight-hour workday should not apply, although we have not reached that stage as yet. I do not see why it should apply to lock tenders, who have only a brief period of time each day to apply to the work. I do not see any reason why it should apply to the stablemen and men of that kind, and I have no desire to make it apply to them. But when it comes to the culinary department in every large institution engaged in dredging operations, the men employed in the culinary department are actively on duty from 14 to 16 hours a day, they being on duty before the regular day's work begins, making ready to get the meals for the men, and afterwards to clean up the kitchen and dining room after the day's operations are over. So that I see no reason why we could not apply it in a practical way to the men engaged in the culinary department, and keep two shifts, of 8 hours each, engaged for 16 hours. As to the other men that I mentioned, there is no urgent necessity for including them.

Mr. MOORE of Pennsylvania. But there are instances where there might be no service rendered at all, unless you took a man whose services were intermittent for an hour or two and engaged him for eight hours.

Mr. WILSON of Pennsylvania. Then that would be covered by this bill. It would be an emergency.

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

The CHAIRMAN. Does the gentleman from Pennsylvania yield to the gentleman from Maryland?

Mr. WILSON of Pennsylvania. I yield to the gentleman.

Mr. LEWIS. Is it not a fact, sir, as developed in the hearings that took place on this bill before the committee, that almost everybody connected with the work, except the supervising foremen, worked intermittently, and that none of them work continuously? And is it not therefore a fact that the exceptions sought to be introduced would prove the rule for all these employees?

Mr. WILSON of Pennsylvania. That is true, Mr. Chairman, and that is what I have been trying to impress upon the gentleman from Pennsylvania [Mr. MOORE], that his amendment would not only include the men who are cited in the quotation he makes, but would include all the men engaged in dredging operations.

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. MOORE].

The question being taken, the amendment was rejected.

Mr. RANSDELL of Louisiana. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

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

The Clerk read as follows:

Page 2, line 24, add, after the word "emergency," the following: "*Provided*, That nothing in this act shall apply or be construed to apply to persons performing directory, supervisory, or clerical duties, nor to masters, pilots, or mates, or other persons duly articled as seamen, whose service is governed by the general navigation laws."

Mr. WILSON of Pennsylvania. Mr. Chairman, if the gentleman will strike out that part of his amendment beginning with the word "or" and the remainder of it, I will be perfectly willing to accept it.

Mr. RANSDELL of Louisiana. That is all. I will consent to that modification.

Mr. MANN. I should like to have the amendment reported as modified.

The CHAIRMAN. The Clerk will report the amendment as modified.

The Clerk read as follows:

On page 2, line 24, after the word "emergency," insert the following: "*Provided*, That nothing in this act shall apply or be construed to apply to persons performing directory, supervisory, or clerical duties, nor to masters, pilots, or mates."

Mr. MOORE of Pennsylvania. I should like to ask the gentleman from Louisiana whether he will accept the words "technical or subclerical" as an amendment to his amendment.

Mr. RANSDELL of Louisiana. I have no objection to accepting those words, but the gentlemen in charge of the bill do object to them, and I think it is a pretty good amendment in its present form. Therefore I do not insist on putting in those words.

The question being taken, the amendment was agreed to.

Mr. MANN. Mr. Chairman, I offer an amendment, in line 17, after the word "or," where it occurs the second time, to insert the words "of such."

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

The Clerk read as follows:

Amend, line 17, page 2, by inserting, after the second word "or," the words "of such."

Mr. MANN. The gentleman will notice that the words "or persons employed in constructing" are an insert in the original law. If this bill should be enacted in its present form, without inserting those words, it would eliminate the eight-hour law from laborers or mechanics engaged in anything except river and harbor work.

The CHAIRMAN. The question is on the adoption of the amendment.

The amendment was agreed to.

Mr. MANN. Then, I move, in line 20, after the word "or," where it occurs the second time, to strike out the word "persons" and insert the words "any such person."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 20, strike out the word "persons" and insert the words "any such person."

Mr. MANN. That amendment is offered for the same reason.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to strike out the last word.

We adopted an amendment in line 9 a while ago, striking out the words "in constructing, maintaining, or improving a" and making an insert in place of it. To make that at all effective it will, of course, have to be carried through the bill.

Mr. WILSON of Pennsylvania. I understood that amendments were to be offered wherever those words occur.

Mr. MANN. That is the reason I call attention to it. In line 21 the same thing comes in.

Mr. WILSON of Pennsylvania. It occurs in two other places besides that, and I understood that amendments were to be offered at those points.

Mr. KENDALL. In line 18.

Mr. MANN. In line 18 and in line 21.

Mr. SPARKMAN. I think an amendment of that kind is very proper.

Mr. MANN. It does not mean anything without it.

Mr. WILSON of Pennsylvania. Does the gentleman expect to follow up his amendments at the points suggested?

Mr. SPARKMAN. No; I had not intended doing so, but I have no objection to the amendment.

Mr. MANN. Of course, unless it is offered, the section does not mean anything after we get through with it. I do not care to offer the amendment. Let the gentleman do it.

Mr. SPARKMAN. Mr. Chairman, in line 18, I move to strike out the words "in constructing, maintaining, or improving a" and insert the words "to perform services similar to those of laborers and mechanics in connection with dredging, snagging, or rock excavation in any."

Mr. MANN. I suggest that the gentleman ask unanimous consent to strike out the same words in lines 18 and 21 that were stricken out in line 9, and insert in lieu thereof the same amendment that was inserted in line 9.

The CHAIRMAN. Is that the request of the gentleman from Florida?

Mr. SPARKMAN. That is perfectly satisfactory.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 18, by striking out the words "in constructing, maintaining, or improving a" and insert in lieu thereof the words "to perform services similar to those of laborers and mechanics in connection with dredging, snagging, or rock excavation in any."

The amendment was agreed to.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that the same amendment apply in line 21.

The CHAIRMAN. The gentleman asks unanimous consent that the same amendment apply in line 21. Is there objection?

There was no objection.

The amendment was agreed to.

The Clerk read as follows:

VIOLATION OF ACT BY OFFICER OR CONTRACTOR PUNISHABLE.

SEC. 2. That any officer or agent of the Government of the United States or of the District of Columbia, or any contractor or subcontractor whose duty it shall be to employ, direct, or control any laborer or mechanic employed upon a public work of the United States or of the District of Columbia, or any person employed in constructing, maintaining, or improving a river or harbor of the United States or of the District of Columbia, who shall intentionally violate any provision of this act, shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine not to exceed $1,000, or by imprisonment for not more than six months, or by both such fine and imprisonment, in the discretion of the court having jurisdiction thereof.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that the same amendment that was agreed to, in lines 17 and 18 and line 21 on page 2, be agreed to as applying to lines 8 and 9 on page 3.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the amendment agreed to in lines 17 and 18 and line 21 on page 2 be agreed to as applying to lines 8 and 9 on page 3. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The Clerk read as follows:

EXISTING CONTRACTS NOT AFFECTED BY ACT.

SEC. 3. That the provisions of this act shall not be so construed as to in any manner apply to or affect contractors or subcontractors, or to limit the hours of daily service of laborers or mechanics engaged upon a public work of the United States or of the District of Columbia, or persons employed in constructing, maintaining, or improving a river or harbor of the United States or of the District of Columbia, for which contracts have been entered into prior to the passing of this act.

Mr. WILSON of Pennsylvania. Mr. Chairman, I ask unanimous consent that the amendment which was agreed to as applying to lines 17, 18, and line 21 on page 2 be agreed to as applying to lines 23 and 24 on page 3.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. WILSON of Pennsylvania. Mr. Chairman, I move that the committee do now rise and report the bill with the amendments to the House, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. PAGE, 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. 18787 and had instructed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en grosse. [After a pause.] The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

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

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

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. LANGLEY, indefinitely, on account of illness.

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

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5545. An act providing for patents on reclamation entries, and for other purposes.

ADJOURNMENT.

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

The motion was agreed to; accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned until to-morrow, Thursday, August 1, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule III,

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (H. R. 70) to constitute a commission to investigate the purchase of American-grown tobacco by the governments of foreign countries, reported the

same without amendment, accompanied by a report (No. 1118), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 25987) to grant an annuity to Annie Neate, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. RAKER: A bill (H. R. 26059) to create a board of river regulation and to provide a fund for the regulation and control of the flow of navigable rivers in aid of interstate commerce, and as a means to that end to provide for flood prevention and protection and for the beneficial use of flood waters and for water storage and for the protection of watersheds from denudation and erosion and from forest fires and for the cooperation of Government services and bureaus with each other and with States, municipalities, and other local agencies; to the Committee on Rivers and Harbors.

By Mr. NEEDHAM: A bill (H. R. 26060) for the relief of persons suffering damages by reason of the construction of the canal diverting the waters of the Mormon Slough into the Calaveras River; to the Committee on Claims.

By Mr. RUSSELL: A bill (H. R. 26061) to amend the general pension act of May 11, 1912; to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 26062) providing for the erection of a statue of Gen. Robert E. Lee, and also a Lincoln peace memorial arch over Pennsylvania Avenue, in the city of Washington; to the Committee on the Library.

By Mr. SABATH: A bill (H. R. 26063) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909; to the Committee on Ways and Means.

By Mr. MORRISON: A bill (H. R. 26064) to provide for the purchase of a site and the erection of a public building thereon at Noblesville, in the State of Indiana; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 26065) to provide for the purchase of a site and the erection of a public building thereon at Lebanon, in the State of Indiana; to the Committee on Public Buildings and Grounds.

By Mr. LAFFERTY: A bill (H. R. 26066) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc.; to the Committee on the Public Lands.

By Mr. RAKER: Resolution (H. Res. 655) authorizing and directing the Committee on Irrigation to ascertain the present condition of the Garden City irrigation project, located in Finney County, Kans., and all matters contained in S. 6784, and to make report to the House; to the Committee on Rules.

By Mr. GRAY: Resolution (H. Res. 656) authorizing the payment of a certain sum of money to Grace G. Jackson; to the Committee on Accounts.

By Mr. FOSTER: Joint resolution (H. J. Res. 343) authorizing Federal bureaus doing hygienic and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. AUSTIN: A bill (H. R. 26067) granting a pension to Susan King; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26068) for the relief of John Samsel; to the Committee on Military Affairs.

Also, a bill (H. R. 26069) granting an increase of pension to Mary A. Clawson; to the Committee on Invalid Pensions.

By Mr. CRAGO: A bill (H. R. 26070) granting a pension to George W. Platter; to the Committee on Pensions.

By Mr. DOREMUS: A bill (H. R. 26071) granting a pension to Dora White; to the Committee on Invalid Pensions.

By Mr. GOOD: A bill (H. R. 26072) granting an increase of pension to Abel Adams; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 26073) granting an increase of pension to Alben Swearingen; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 26074) authorizing the Secretary of War to confer upon Joseph Milton Heller the congressional medal of honor; to the Committee on Military Affairs.

By Mr. KNOWLAND: A bill (H. R. 26075) for the relief of George G. Harris and others; to the Committee on Claims.

By Mr. LINTHICUM: A bill (H. R. 26076) granting a pension to Mary Catharine Flynn; to the Committee on Invalid Pensions.

By Mr. MAHER: A bill (H. R. 26077) granting an increase of pension to Mary Brush; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 26078) for the relief of Charles S. Kincaid; to the Committee on Military Affairs.

By Mr. SMITH of New York: A bill (H. R. 26079) granting a pension to Charles Rosenkranz; to the Committee on Invalid Pensions.

By Mr. STEPHENS of California: A bill (H. R. 26080) granting an increase of pension to Salome A. Nelson; to the Committee on Invalid Pensions.

By Mr. TAGGART: A bill (H. R. 26081) granting a pension to William H. Watson; to the Committee on Pensions.

PETITIONS ETC.

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

By Mr. CALDER: Memorial of the new Seattle Chamber of Commerce, of Seattle, Wash., favoring an investigation of the foreign and domestic fire insurance corporations of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. DIFENDERFER: Petition of Max Gress with reference to a decision given in his case; to the Committee on Invalid Pensions.

By Mr. GOLDFOGLE: Petition of the Committee of Wholesale Grocers of New York City, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of the Fourteenth Street Store; the Simpson-Crawford Co.; New York Typographical Union, No. 6; and Photo-Engravers' Union, No. 1, of New York City, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Allied Printing Trades' Council of New York State, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. KNOWLAND: Petition for the relief of George G. Harris and others; to the Committee on Claims.

By Mr. PARRAN: Paper in support of bill (H. R. 20456) granting a pension to Mary Muller; to the Committee on Invalid Pensions.

Also, memorial of Robert Morris Council, No. 41, Order of Independent Americans, of Germantown, Philadelphia, Pa., favoring passage of bill (H. R. 25309) requiring the flag of the United States to be displayed on all lighthouses of the United States and insular possessions; to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: Evidence in support of claim, to accompany House bill 26054, for relief of estate of John M. Wright, of Madison County, Ala.; to the Committee on War Claims.

By Mr. SABATH: Memorial of the Polish societies of Chicago, Ill., against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the new Seattle Chamber of Commerce, of Seattle, Wash., favoring passage of House bill 357, relative to investigation of foreign and domestic fire insurance companies; to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: Memorial of the Ladies' Auxiliary of the International Association of Machinists, of Denver, Colo., against the treatment of the textile workers in the strike at Lawrence, Mass.; to the Committee on Labor.

SENATE.

THURSDAY, *August 1, 1912.*

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

Mr. BACON took the chair as President pro tempore under the order of the Senate of July 29, 1912.

The Journal of yesterday's proceedings was read and approved.

ESTIMATE OF APPROPRIATION (S. DOC. NO. 889).

The PRESIDENT pro tempore (Mr. BACON) laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of deficiency in the appropriation for "Miscellaneous expenses, Supreme Court, District of Columbia," for the fiscal year 1912, amounting to $8,349.95, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had adopted a repli-