By Mr. WILLIS: Papers to accompany bill (H. R. 26453) granting an increase of pension to Helen G. Davis; to the Committee on Invalid Pensions.

By Mr. WILSON of New York: Petition of the Downtown Taxpayers' Association, Brooklyn, N. Y., favoring the insertion of a clause in the naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the New York State Conference on Taxation, Binghamton, N. Y., favoring the passage of legislation for the extension of the work of the Census Department; to the Committee on the Census.

Also, petition of the Central Labor Union of Brooklyn, N. Y., favoring the insertion of a clause in the naval appropriation bill providing for the building of one of the new battleships in the Brooklyn Navy Yard; to the Committee on Naval Affairs.

SENATE.

FRIDAY, *February 14, 1913.*

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

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

CONNECTICUT RIVER DAM.

The PRESIDENT pro tempore (Mr. BACON). The Senate resumes the consideration of Senate bill 8033.

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

Mr. BRANDEGEE. Mr. President, I suggest the absence of a quorum.

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

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

Ashurst	Crane	Johnson, Me.	Sheppard
Bacon	Crawford	Johnston, Ala.	Smith, Ga.
Bankhead	Culberson	Jones	Smith, Md.
Borah	Cullom	Kenyon	Smith, Mich.
Bourne	Curtis	Kern	Smoot
Bradley	Dillingham	La Follette	Stephenson
Brady	Dixon	Lippitt	Sutherland
Brandegee	du Pont	Lodge	Thomas
Brown	Fall	McLean	Thornton
Bryan	Fletcher	Martin, Va.	Tillman
Burnham	Gallinger	Martine, N. J.	Townsend
Burton	Gamble	Myers	Warren
Catron	Gardner	Overman	Webb
Chamberlain	Gronna	Page	Williams
Clapp	Guggenheim	Perkins	Works
Clark, Wyo.	Jackson	Richardson	

Mr. ASHURST. I have been requested to announce that the junior Senator from New York [Mr. O'GORMAN] is absent on public business. I will let this announcement stand for the day.

Mr. KERN. I was requested to announce the unavoidable absence of the Senator from South Carolina [Mr. SMITH].

The PRESIDENT pro tempore. Upon the call of the roll of the Senate 63 Senators have responded to their names, and a quorum of the Senate is present.

Mr. BRANDEGEE. Mr. President, I gave notice yesterday afternoon, just before we took the recess, that I would this morning, having failed in several previous attempts, ask the unanimous consent of the Senate to vote upon the pending bill at a certain hour upon a certain day.

This bill, providing for the building of a dam across the Connecticut River, has, by unanimous consent, been the order of business exclusively before this body ever since last Tuesday, and this will have been the fourth day that the Senate has devoted its whole time to the discussion of the bill, which, except for one provision in it, would have been passed in the morning hour by unanimous consent.

I think we have devoted enough time to the discussion of the question. It has been made the vehicle for the discussion of the whole question of conservation, and, in my judgment, it should not be made the boat to carry ashore all the various projects that exist in the minds of men upon the conservation question. I think four days is enough to devote to the bill. No Senator can introduce a bill or present the report of a committee; no one can transact any morning business in the Senate.

We have about 12 more legislative days for the conclusion of the business of the present Congress, and it seems to me to be absurd and preposterous to have this measure, which is designed to dam the Connecticut River, damming the whole business of the Nation and obstructing the legislation of the United States of America.

Senators have made up their minds how they are going to vote on this question. I for one am ready, and have been for two or three days, to vote upon it. I think other Senators are ready to vote if they will waive their general conservation speeches and make them on some other measure and let us finish the business of this Congress.

In view of those sentiments, which I have attempted briefly to express, I ask unanimous consent that a vote be taken on the measure, in accordance with the terms of the unanimous-consent agreement which stands upon the front page of the calendar, not later than 5 o'clock next Monday afternoon.

Mr. BANKHEAD. Mr. President, speaking for myself I can see no reason why consent should not be given to vote upon the bill next Monday at 5 o'clock, and I hope that unanimous consent will be given to that effect.

Mr. BORAH. Mr. President, if this consent is given would it remove this measure as a bar to the further transaction of business on other matters?

Mr. BRANDEGEE. Not to-day; not until Monday.

Mr. BORAH. Then there is not very much consolation in the request.

Mr. BRANDEGEE. We can get through on Monday. If the Senator is willing to have the vote taken to-day, I would be very happy to ask unanimous consent that the vote be taken not later than 5 o'clock this afternoon.

Mr. GALLINGER. Why not ask that that be done?

Mr. BRANDEGEE. I asked that the time be fixed for Monday on the suggestion of the Senator from Alabama [Mr. BANKHEAD], who informed me that several Senators on the other side of the Chamber wish to discuss the measure further, and I did not want to restrict anybody in his rights.

Mr. BANKHEAD. My reason for suggesting to the Senator from Connecticut that he make his request for Monday at 5 o'clock was because several Senators desire to make some remarks upon the bill before the vote is taken. To-day must be consumed by the consideration of appropriation bills, or so much of the day as is necessary; to-morrow we can do no legislative business; and on Monday I thought the Senators who desire to address themselves on the bill would have an opportunity before the hour suggested for voting.

Mr. BORAH. I am not objecting to the consent. I was in the hope, however, that as we were violating the unanimous-consent agreement by making this agreement, we might also remove it as a bar to the further transaction of business.

Mr. BRANDEGEE. If the Senator will allow me to say so, I am heartily in accord with his motive and with what he says. I do not consider, however, that we are violating the unanimous-consent agreement that stands upon the face of the calendar simply by fixing an hour on the legislative day when we will take the vote, so that Senators may be warned and be here.

Mr. BORAH. As I said, I am not going to object. Both the Senator from Massachusetts [Mr. LODGE] and the Senator from New Hampshire [Mr GALLINGER] think that it is perfectly proper, and they are good authority on parliamentary questions, but there are a great many precedents against it. I presume, however, that this may be considered as establishing once for all in the Senate that this kind of an agreement is not a violation of such a unanimous-consent agreement.

Mr. LODGE. We make a further agreement to fix a time in the same legislative day to vote. That has been done repeatedly.

Mr. BORAH. It has been done repeatedly, but several times within the last few months it was refused.

Mr. LODGE Unanimous-consent agreements to conclude a bill on a legislative day are comparatively new in the Senate, and I think they are a very poor kind of unanimous-consent agreements. I think we ought to fix an hour for voting.

Mr. BORAH. This establishes a precedent in the future.

Mr. BRANDEGEE. I do not think it establishes a precedent. It is in accordance with several precedents which have been made. For instance, on April 18, 1912, the Senate agreed by unanimous consent, which I have here in my hand, to vote upon the bill known as the compensation of railway employees, and upon May 2, 1912, it further agreed that "on Monday next, not later than 4 o'clock, the Senate will proceed without further debate," and so forth, to vote upon that bill. There are plenty of precedents for the action.

Mr. GALLINGER. Mr. President, I desire simply to say that if we agree to vote upon this bill on Monday next we will be voting upon the legislative day fixed originally.

Mr. BRANDEGEE. Of last Tuesday.

Mr. GALLINGER. Of last Tuesday. It does seem to me that it is competent for us to do that under the rules of the Senate or the customs of the Senate.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. BRANDEGEE. I will ask unanimous consent that we vote upon this bill at 5 o'clock this afternoon.

Mr. GALLINGER. I am very glad the Senator from Connecticut makes that request.

Mr. BRANDEGEE. That will remove it as an obstruction.

Mr. GALLINGER. I desire to say—and I wish the chairman of the Committee on Appropriations would say it instead of the Senator from New Hampshire—that we have only two weeks to do the business of this Congress and the three Saturdays are preempted already. We will do no legislative business on those three days. It does seem to me that we ought to get this matter out of the way as speedily as possible and proceed with the other business of the session. I hope the amended request of the Senator from Connecticut will be granted.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Connecticut that——

Mr. WORKS. Mr. President, I am not going to object to the fixing of any time that may be satisfactory to other Senators, but I would not want it to be taken as consent on my part to the proposition that this is not a violation of the original unanimous agreement. It is so clearly in violation of the unanimous-consent agreement for the legislative day I wonder how there can be any two opinions about it. When I consent to a unanimous agreement for a legislative day it means that full discussion will be allowed; that there will be no limitation upon it until the Senate is ready to vote; and in my absence a unanimous agreement is made that limits the time of discussion, which is a direct violation of the original agreement.

Mr. JONES. Mr. President, I agree with what the Senator from California has said, but I would not object to fixing a time for a vote on Monday. However, I know that there are several Senators who are not expecting to speak to-day and I hope the Senator from Connecticut will make his request for Monday. We can take up the appropriation bills to-day. The Army appropriation bill will be taken up this morning, and other appropriation bills may follow. So they will not be delayed at all.

Mr. BRANDEGEE. The only reason why I modified the request was to accommodate the Senator from Idaho, who suggested that the agreement is operating as an obstruction to the business of the Senate. I will ask, just as I did, that we vote to-day not later than 5 o'clock, and then if the Senator from Washington objects, of course, I will ask for Monday.

Mr. JONES. Yes; I object.

Mr. BRANDEGEE. The Senator does object. Therefore, I renew the original request that we vote upon the bill—commence voting—not later than 5 o'clock next Monday.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that during the present legislative day, on Monday next, not later than 5 o'clock, the Senate will begin voting upon the bill and amendments pending and to be offered, and proceed to a conclusion of the same through the regular legislative methods. Is there objection?

Mr. BRISTOW. Mr. President, I am not specially interested in this legislation except as it may affect unanimous-consent agreements.

I want to take issue with the Senator from Massachusetts in his objection to the policy of fixing a legislative day instead of a certain hour on which to vote. My short experience here is that a fixed hour has always proved unsatisfactory, because amendments were offered when no explanation could be made without violating the unanimous-consent agreement, and I have not known of a bill on which there was much controversy, where there was a fixed hour set, that by some indirection the unanimous-consent agreement has not been violated by some Members of the Senate in order to get in an argument.

But on this measure my mind has been pretty well made up, and I am not offering an objection, though I think it is in violation of the unanimous-consent agreement absolutely, without any question.

Mr. GALLINGER. Mr. President, in view of the statements that have been made by several Senators that this is in violation of the unanimous-consent agreement, I object to the request made by the Senator from Connecticut.

The PRESIDENT pro tempore. The Senator from New Hampshire objects.

Mr. DU PONT obtained the floor.

Mr. BRANDEGEE. Mr. President, will the Senator from Delaware yield to me?

Mr. DU PONT. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, in view of the objection of the Senator from New Hampshire [Mr. GALLINGER], I want to say that I think perhaps he has wisely objected to the request for unanimous consent. Some Senators object to any unanimous-consent agreement for a vote on a legislative day, seeing the difficulties into which we are brought by that process. Other Senators, who desire unlimited debate, object to the fixing of a calendar day to take a vote upon any measure, and until the Senate can arrive by some consensus of opinion upon how to proceed to get to a vote on an important measure which it wants to dispose of, I do not think there is any better way to proceed than to keep this obstruction before the Senate until the minds of Senators are concentrated upon the obstruction, so that they will agree upon some method under which we can do business. I therefore give notice that, inasmuch as I am unable to secure the fixing of a time to vote upon this measure, in view of the fact that it was agreed to vote upon it upon the legislative day of last Tuesday, so far as is within my power, under parliamentary rules, subject to appropriation bills and conference reports, I shall attempt to keep the measure before the Senate as long as the Senate will stay in session each day.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House accepts the invitation of the Senate to attend the memorial services to commemorate the life, character, and public services of the Hon. JAMES S. SHERMAN, late Vice President of the United States, on Saturday February 15, 1913, at 10 minutes to 12 o'clock a. m.

The PRESIDENT pro tempore. The Chair lays before the Senate the following resolution from the House of Representatives, which will be read.

The Secretary read as follows:

Resolved, That on Saturday, February 15, 1913, at 10 minutes to 12 o'clock, ante meridian, pursuant to the resolution heretofore adopted, accepting the invitation of the Senate to attend the memorial services to commemorate the life, character, and public services of the Hon. JAMES S. SHERMAN, late Vice President of the United States, the House shall proceed with the Speaker to the Senate Chamber, and at the conclusion of the services it shall return to this Chamber.

The PRESIDENT pro tempore. The resolution will lie on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. From the Committee on Appropriations I report favorably with amendments the bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, and I submit a report (No. 1209) thereon. I give notice that I will call up the bill for consideration when the Army bill shall have been disposed of.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. NELSON. From the Committee on Commerce I report favorably with amendments the bill (H. R. 28180) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, and I submit a report (No. 1210) thereon. I desire to say that I shall ask the Senate to consider the bill on Monday next, after the conclusion of the routine morning business.

Mr. STONE. Will the report and the bill as reported be ordered printed? I should like to see them to-morrow morning.

The PRESIDENT pro tempore. They are always printed under the rule, and it will be so ordered. The bill will be placed on the calendar.

ARMY APPROPRIATION BILL.

Mr. DU PONT. I ask that the Senate proceed to the consideration of the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 27941) making appropriations for the support of the Army for the fiscal year ending June 30, 1914, which had been reported from the Committee on Military Affairs with amendments.

Mr. DU PONT. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments have precedence.

The PRESIDENT pro tempore. The Senator from Delaware asks that the formal reading of the bill be dispensed with and that the bill be read for amendment, the committee amendments to have precedence. Is there objection? The Chair hears none, and that order is made.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "Office of the Chief of Staff," on page 2, line 16, after the name "Manila," to insert "and the cost of special instruction at home and abroad, in maintenance of students and attachés," so as to make the clause read:

Contingencies military information section, General Staff Corps: For contingent expenses of the military information section, General Staff Corps, including the purchase of law books, professional books of reference, professional and technical periodicals and newspapers, and of the military attachés at the United States embassies and legations

abroad; and of the branch office of the military information section at Manila and the cost of special instruction at home and abroad, in maintenance of students and attachés, to be expended under the direction of the Secretary of War, $10,000: *Provided*, That section 3648, Revised Statutes, shall not apply to subscriptions for foreign and professional newspapers and periodicals to be paid for from this appropriation.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Chief Signal Officer," in the item of appropriation for expenses of the Signal Service of the Army, on page 5, line 19, after the word "machines," to strike out:

Provided further, That from and after the passage and approval of this act the pay and allowances that are now or may be hereafter fixed by law for officers of the Regular Army shall be increased 50 per cent for such officers as are now or may be hereafter detailed by the Secretary of War on aviation duty: *Provided*, That this increase of pay and allowances shall be given to such officers only as are actual flyers of heavier-than-air craft, and while so detailed: *Provided further*, That no more than 30 officers shall be detailed to the aviation service: *Provided further*, That paragraph 2 of section 26 of an act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," shall not limit the tour of detail to aviation duty of officers below the grade of lieutenant colonel: *Provided further*, That nothing in this provision shall be construed to increase the total number of officers now in the Regular Army.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of officers of the line," on page 7, line 2, after the sum "$7,710,800," to insert: "*Provided*, That hereafter, in the administration of the act of Congress approved August 24, 1912, service actually performed by any officer with troops prior to December 15, 1912, as a regimental, battalion, or squadron staff officer shall be deemed to have been duty with a battery, company, or troop," so as to make the clause read:

For pay of officers of the line, $7,710,800: *Provided*, That hereafter, in the administration of the act of Congress approved August 24, 1912, service actually performed by any officer with troops prior to December 15, 1912, as a regimental, battalion, or squadron staff officer shall be deemed to have been duty with a battery, company, or troop.

Mr. DU PONT. I move to amend the amendment of the committee, in line 7, after the word "officer," by inserting a comma.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, under the subhead "Pay to clerks, messengers, and laborers at headquarters of divisions, departments, posts commanded by general officers, and office of the Chief of Staff," on page 10, after line 2, to insert:

In all, $317,840.

The amendment was agreed to.

The next amendment was, under the subhead "For pay of officers of the Staff Corps and staff departments," on page 11, line 8, after the sum "$95,695," to strike out:

Provided, That hereafter no further appointments of pay clerks shall be made.

So as to make the clause read:

For pay of 85 pay clerks, at $1,125 each per annum, $95,625.

The amendment was agreed to.

The next amendment was, on page 11, line 21, before the word "nurses," to strike out "twenty-five" and insert "fifty," and, in the same line, after the word "(female)," to strike out "$85,620" and insert "$106,030," so as to read:

For pay of 150 nurses (female), $106,030.

The amendment was agreed to.

The next amendment was, under the subhead "Retired officers," on page 12, line 13, after the sum "$2,877,000," to insert:

Provided, That hereafter when any officer who has been retired from active service and placed on the retired list on account of physical disability is found by an examining board, to be appointed by the Secretary of War, under the direction of the President, to be morally, physically, mentally, and professionally qualified for active service, the President may, in his discretion, by and with the advice and consent of the Senate, reappoint such officer upon the active list of the Army as an extra officer of the arm or branch in which the officer was commissioned at the time of his retirement, in the grade and with the lineal rank he would have held had he not been retired: *Provided further*, That such officer shall continue as an extra officer only until such time as a vacancy shall occur in his grade and arm of the service; and if again retired for physical disability, he shall be retired from active service with the rank held by him before his reappointment, or wholly retired from the service by the President as provided by existing law; but if his second retirement is for disability arising from wounds received in action, he shall have the rank on the retired list held by him at the time of such retirement: *Provided further*, That no officer reappointed under the provisions of this act shall be placed above another either in grade or lineal rank, in the same arm or branch, whose active service as a commissioned officer exceeds that of the officer reappointed, and for the purposes of this proviso commissioned service on the active list and on active duty while on the retired list shall be taken into consideration: *And provided further*, That hereafter in the computation of longevity pay the time served on active detail by retired Army officers shall be added to the service of said officers prior to retirement for the computation of the pay to which they shall be entitled while serving on active detail.

Mr. CLARKE of Arkansas. Mr. President, it is not necessary to consume time to consider that amendment. I think it clearly out of order. It is general legislation. It is proposed to change the rule now applicable to retired officers and confer upon officers of that class the right to be reassigned to active service in the Army under certain conditions. If that is to be done at all, it ought to be done after the whole subject has been independently considered and worked out, so that we may know that it will not be used for purposes of partiality and preference. I think it is an exceedingly inappropriate provision to be included at this time; and I make the point of order that it is general legislation that can not now be considered in the face of objection.

Mr. DU PONT. Mr. President, this amendment has received very full consideration, not only at the hands of the War Department, but in the committee. It originated in the committee, was sent up to the department, thrashed over there, sent back to the committee, and finally passed with the approval of the committee. It is intended and designed to put an end to the anomalous state of affairs under which the Government is now paying several officers retired pay who are perfectly able in every respect—physically, morally, and mentally—to do active duty. The number of these officers is very few, but if there were only one it would be right and just both to the Government and to the officer to put him back, if he so desires, on the active list.

This amendment refers, of course, strictly and solely to officers who are retired for physical disability. No officer is retired for physical disability unless a board of medical officers shall have found that he is permanently disqualified for duty; but, as we all know, medical officers, whether on boards or individually, are but human, and occasionally, in rare instances, a man who, in the opinion of a medical board, is permanently unfit for active duty, is found, after the lapse of six months or a year, to be perfectly restored in every way, and this is usually in the case of some of the younger officers where youth is a determining factor.

There are three bills pending in Congress to restore officers of this kind to the active list. It was deemed wiser and better to make a general provision to cover these cases than to have the legislation done piecemeal and from time to time. I think myself that it is wise, proper, and just legislation, particularly to the Government, and incidentally to the officers affected. I therefore hope the Senator from Arkansas will withdraw his point of order.

Mr. JOHNSTON of Alabama. I should like to say to the Senator from Arkansas that this amendment is in the interest of economy. These officers that have been retired are retired on three-fourths pay, and when they are brought back only one-fourth is added to the salary which they are now drawing while they are not doing anything. They simply take their places in the rank to which they would have been entitled by their service. So I think if the Senator will consider that this is in the line of economy and retrenchment, he will not make the point of order.

Mr. CLARKE of Arkansas. Of course, a good deal of what has been said has been for the very commendable purpose of enlightening me about matters which are pretty well known even to persons who have not been here as long as I have. There is some sort of presumption that I have at least a little familiarity with some of the things that have been exploited here for my benefit.

It was not my intention to discuss the merits of this matter at this time. It was clearly out of order, and I thought that would have disposed of it. But whenever I see anything come up from the War Department in the interest of economy, I begin to sift it pretty closely; and I should like to see it verified on some occasion when we will have ample time and opportunity to discuss it.

Mr. DU PONT. Will the Senator yield to me for a moment?

Mr. CLARKE of Arkansas. I shall be glad to yield; yes.

Mr. DU PONT. I simply wish to call the attention of the Senator from Arkansas to the fact that this suggestion did not come from the War Department. It came from the Military Affairs Committee. It was referred to the department, and was approved in a rather perfunctory manner—not very warmly, but still it was approved.

Mr. CLARKE of Arkansas. There will be something to be said about it whenever we reach it as a serious proposition of legislation. I make the point of order that we can not do it to-day.

The PRESIDENT pro tempore. The point of order is sustained.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, under the subhead "Miscellaneous," on page 15, line 18, after "$550,000," to insert "of which $100,000 shall be immediately available," so as to read:

For mileage to officers, acting dental surgeons, veterinarians, contract surgeons, pay clerks, and expert accountant, Inspector General's Department, when authorized by law, $550,000, of which $100,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Philippine Scouts," on page 18, line 4, after the word "precluding," to strike out "Army paymasters" and insert "officers of the Quartermaster Corps," so as to make the clause read:

All the money hereinbefore appropriated for pay of the Army and miscellaneous, except the appropriation for mileage of officers, acting dental surgeons, contract surgeons, veterinarians, pay clerks, and expert accountant Inspector General's Department, when authorized by law, shall be disbursed and accounted for by officers of the Quartermaster Corps as pay of the Army, and for that purpose shall constitute one fund: *Provided*, That hereafter section 3620, Revised Statutes, as amended by the act of Congress approved February 27, 1877, shall not be construed as precluding officers of the Quartermaster Corps from drawing checks in favor of the person or institution designated by indorsement made on his monthly pay account by any officer of the Army if the pay account has been deposited for payment on maturity in conformity with such regulations as the Secretary of War may prescribe: *Provided further*, That payment by the United States of a check on the indorsement of the indorsee specified on the pay account shall be a full acquittance for the amount due on the pay account.

The amendment was agreed to.

The next amendment was, on page 18, line 24, after "$350,000," to insert: "*Provided*, That of the amount herein appropriated the Secretary of War is hereby authorized to expend $50,000, or so much thereof as may be necessary, for the acquisition, by purchase or condemnation, of the necessary land for a suitable range for Field Artillery target practice, the land to be of such general character as to permit its use for the instruction of troops of other arms, to be located within the eastern military division, and to be so situated as to present a high degree of availability for concentration of Field Artillery," so as to make the clause read:

Encampment and maneuvers, Organized Militia: For paying the expenses of the Organized Militia of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the act of January 21, 1903, entitled "An act to promote the efficiency of the militia, and for other purposes," to be immediately available and to remain available until the end of the fiscal year 1915, $350,000: *Provided*, That of the amount herein appropriated the Secretary of War is hereby authorized to expend $50,000, or so much thereof as may be necessary, for the acquisition, by purchase or condemnation, of the necessary land for a suitable range for Field Artillery target practice, the land to be of such general character as to permit its use for the instruction of troops of other arms, to be located within the eastern military division, and to be so situated as to present a high degree of availability for concentration of Field Artillery.

The amendment was agreed to.

The next amendment was, on page 19, line 19, after the word "expended," to strike out "$185,000" and insert "$275,000," so as to make the clause read:

Equipment of Coast Artillery armories, Organized Militia: Equipment of Coast Artillery armories, Organized Militia—Dummy guns and mortars, mounts for dummy guns and mortars, dummy ammunition, loading appliances, range and position finding equipment, aiming and laying devices, subcaliber tubes and mountings therefor, labor and material necessary to install dummy guns and mortars, and to provide appliances and devices for instructional purposes in armory buildings provided by States for Coast Artillery companies of the Organized Militia, to be immediately available and remain available until expended, $275,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 20, to insert:

To meet the expenses incident to holding an international rifle-shooting competition at Camp Perry, Ohio, in cooperation with the Perry Victory Centennial Celebration to be held in September, 1913: In connection therewith the Secretary of War is hereby authorized to loan to the management of the tournament such new United States magazine rifles, caliber .30, model 1903, as may be necessary to carry out the regulations of the international union and to detail officers and men to conduct the tournament, $25,000: *Provided*, That the rifles and equipment of the visiting riflemen be admitted under bond, and that the ammunition and personal effects of such riflemen be admitted to the United States without the imposition of duty.

The amendment was agreed to.

The next amendment was, under the subhead "Subsistence of the Army," on page 20, line 13, before the word "hospital," to insert "including employees of the harbor boat service," so as to read:

Purchase of subsistence supplies: For issue, as rations to troops, civil employees when entitled thereto, including employees of the harbor boat service, hospital matrons, nurses, applicants for enlistment while held under observation, etc.

The amendment was agreed to.

The next amendment was, on page 21, line 10, before the word "rations," to strike out "regular established" and insert "regulation," so as to make the proviso read:

And provided further, That no competitor shall be entitled to commutation of rations in excess of $1.50 per day, and when meals are furnished no greater expense than that sum per man per day for the period the contest is in progress shall be incurred. For payments: Of commutation of rations to the cadets at the United States Military Academy in lieu of the regulation ration, at the rate of 30 cents per ration.

Mr. DU PONT. Mr. President, there is a slight error there, which I move to correct. On line 10, page 21, the words "regular established" should remain, and in line 11 the word "regulation" should go in instead of "regular," so as to read:

In lieu of the regular established ration, at the rate of 30 cents per ration; of the regulation allowances of commutation.

That is the way it should be. It is a mistake in the printing.

The PRESIDENT pro tempore. The Secretary will report the proposed amendment.

Mr. DU PONT. I move that the amendment be modified as I have suggested.

The PRESIDENT pro tempore. Does the Senator move to strike out and insert?

Mr. DU PONT. I move to strike out "regulation," in line 10.

The PRESIDENT pro tempore. The proper course is to disagree to the amendment. When it is voted down, the bill will stand as originally drafted, without the amendment.

Mr. DU PONT. Yes.

The amendment was rejected.

Mr. DU PONT. I now move, on line 11, page 21, before the word "allowances," to strike out "regular" and insert "regulation."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, in the item of appropriation for purchase of subsistence supplies, on page 22, line 11, after the word "Army," to insert: "and for extraordinary expense of subsistence of West Point cadets while attending inaugural ceremony not to exceed $2,000, which shall be immediately available"; and in line 14, after the words "in all," to strike out "$9,098,517" and insert "$9,140,097," so as to read:

For providing prizes to be established by the Secretary of War for enlisted men of the Army who graduate from the Army schools for bakers and cooks, the total amount of such prizes at the various schools not to exceed $900 per annum; for other necessary expenses incident to the purchase, testing, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; and for extraordinary expense of subsistence of West Point cadets while attending inaugural ceremony not to exceed $2,000, which shall be immediately available; in all, $9,140,097.

The amendment was agreed to.

The next amendment was in the item of appropriation for regular supplies of the Quartermaster Corps, on page 22, line 25, before the word "surgeons," to strike out "acting" and insert "contract," and on page 23, line 1, before the word "dental," to strike out "contract" and insert "acting," so as to read:

Regular supplies, Quartermaster Corps: Regular supplies of the Quartermaster Corps, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations, and United States military prison; also ranges, stoves, coffee roasters, and appliances for cooking and serving food at posts, in the field, and when traveling, and repair and maintenance of such heating and cooking appliances; authorized issues of candles and matches; for furnishing heat and light for the authorized allowance of quarters for officers and enlisted men, for contract surgeons and acting dental surgeons when stationed at and occupying public quarters at military posts, for officers of the National Guard attending service and garrison schools, and for recruits, guards, hospitals, storehouses, offices, and buildings erected at private cost in the operation of the act approved May 31, 1902.

The amendment was agreed to.

The next amendment was in the item of appropriation for regular supplies of the Quartermaster Corps, on page 24, line 9, after the word "depots," to insert "and on military reservations in the Hawaiian and Philippine Islands," so as to read:

For seeds and implements required for the raising of forage at remount depots and on military reservations in the Hawaiian and Philippine Islands, and for labor and expenses incident thereto; for straw for soldiers' bedding, stationery, typewriters and exchange of same, including blank books and blank forms for the Quartermaster Corps, certificates for discharged soldiers, and for printing department orders and reports.

The amendment was agreed to.

The next amendment was in the item of appropriation for regular supplies of the Quartermaster Corps, on page 25, line 19, after the word "paid," to strike out "$7,634,553" and insert "$7,660,153," so as to make the proviso read:

Provided, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the

methods prescribed by law; and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid, $7,660,153.

The amendment was agreed to.

The next amendment was, in the item of appropriation for incidental expenses of the Quartermaster Corps, on page 27, line 8, after the word "dishonorable," to strike out "discharges" and insert "discharge," so as to read:

For the apprehension, securing, and delivering of deserters, including escaped military prisoners, and the expenses incident to their pursuit, and no greater sum that $50 for each deserter or escaped military prisoner shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of $5 to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the purchase of horses for the Cavalry, Artillery, Engineers, etc., on page 28, line 22, after "$325,240," to insert "of which $100,000 shall be immediately available," so as to make the proviso read:

Provided further, That no part of this appropriation shall be expended for the purchase of any horses below the standard set by Army Regulations for Cavalry and Artillery horses, except when purchased as remounts or for instruction of cadets at the United States Military Academy, $325,240, of which $100,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, in the item of appropriation for barracks and quarters, on page 30, line 4, after the words "Secretary of War," to strike out $1,847,500" and insert "$2,073,680," so as to make the proviso read:

Provided further, That the number of and total sum paid for civilian employees in the Quartermaster Corps shall be limited to the actual requirements of the service, and that no employee therein shall receive a salary of more than $150 per month, except upon the approval of the Secretary of War, $2,073,680.

The amendment was agreed to.

The next amendment was, on page 30, line 14, after "$40,000," to insert: "*Provided*, That not to exceed $1,300 of this sum, to be made immediately available, may be used for the payment of existing indebtedness on the chapel building at Fort Sam Houston, Tex., which was incurred subsequent to March 3, 1911, for placing this chapel in condition for temporary use for recreation purposes by enlisted men of the maneuver division then encamped at Fort Sam Houston, Tex.," so as to make the clause read:

Military post exchange: For continuing the construction, equipment, and maintenance of suitable buildings at military posts and stations for the conduct of the post exchange, school, library, reading, lunch, amusement rooms, and gymnasium, including repairs to buildings erected at private cost in the operation of the act approved May 31, 1902, to be expended in the discretion and under the direction of the Secretary of War, $40,000: *Provided*, That not to exceed $1,300 of this sum, to be made immediately available, may be used for the payment of existing indebtedness on the chapel building at Fort Sam Houston, Tex., which was incurred subsequent to March 3, 1911, for placing this chapel in condition for temporary use for recreation purposes by enlisted men of the maneuver division then encamped at Fort Sam Houston, Tex.

The amendment was agreed to.

The next amendment was, on page 33, line 21, after "$642,597," to insert: "*Provided*, That upon the completion of a satisfactory sidewalk approximately 600 feet in length on Revere Street, Winthrop, Mass., bordering the property of the Government at Fort Banks, the Secretary of War is authorized to pay to the town of Winthrop not exceeding $1,500 of the amount herein appropriated: *Provided further*, That one-half of the cost of said sidewalk shall be borne by the said town: *And provided further*, That the Secretary of War is authorized and directed to sell the ripe timber in the Fort Canby Military Reserve, Wash., and so much of the money received therefrom as may be needed shall be expended, under the direction of the Secretary of War, for the improvement of Fort Canby military road in said reserve which connects with the road leading from the town of Ilwaco, Wash., to the grounds of the United States life-saving station and lighthouse, and any surplus money shall be turned into the Treasury of the United States," so as to make the clause read:

Roads, walks, wharves, and drainage: For the construction and repairs by the Quartermaster Corps of roads, walks, and wharves; for the pay of employees; for the disposal of drainage; for dredging channels and for care and improvement of grounds at military posts and stations, $642,597: *Provided*, That upon the completion of a satisfactory sidewalk approximately 600 feet in length on Revere Street, Winthrop, Mass., bordering the property of the Government at Fort Banks, the Secretary of War is authorized to pay to the town of Winthrop not exceeding $1,500 of the amount herein appropriated: *Provided further*, That one-half of the cost of said sidewalk shall be borne by the said town: *And provided further*, That the Secretary of War is authorized and directed to sell the ripe timber in the Fort Canby Military Reserve, Wash., and so much of the money received therefrom as may be needed shall be expended, under the direction of the Secretary of War, for the improvement of Fort Canby military road in said reserve which connects with the road leading from the town of Ilwaco, Wash., to the grounds of the United States life-saving station and lighthouse, and any surplus money shall be turned into the Treasury of the United States.

Mr. DU PONT. Mr. President, I suggest that, on page 33, line 22, after the word "approximately," the word "six" should be changed to "sixteen." That is a typographical error.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 33, in the committee amendment, line 22, it is proposed to strike out "six" before the word "hundred" and to insert in lieu thereof "sixteen."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 34, line 23, after the word "employees," to strike out "$1,519,290" and insert "$1,539,910," so as to make the clause read:

Water and sewers at military posts: For procuring and introducing water to buildings and premises at such military posts and stations as from their situation require it to be brought from a distance; for the installation and extension of plumbing within buildings where the same is not specifically provided for in other appropriations; for the purchase and repairs of fire apparatus, including fire-alarm systems; for the disposal of sewage, and expenses incident thereto, including the authorized issue of toilet paper; for repairs to water and sewer systems and plumbing within buildings; and for hire of employees, $1,539,910.

The amendment was agreed to.

The next amendment was, on page 35, line 11, after the word "amended," to strike out "$100,000" and insert "$155,000: *Provided*, That not to exceed $55,000 of this amount may be used for the protection of the Signal Corps building and terminal grounds of the Alaska Military Cable and Telegraph System," so as to make the clause read:

Construction and maintenance of military and post roads, bridges, and trails, Alaska: For the construction, repair, and maintenance of military and post roads, bridges, and trails in the Territory of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, as amended by the act approved May 14, 1906, and to be expended conformably to the provisions of said act as amended, $155,000: *Provided*, That not to exceed $55,000 of this amount may be used for the protection of the Signal Corps building and terminal grounds of the Alaska Military Cable and Telegraph System.

The amendment was agreed to.

The next amendment was, on page 38, after line 23, to insert:

The heads of the several executive departments are authorized to enter into contracts for the lease, for periods of not exceeding 10 years, of modern fireproof storage accommodations within the District of Columbia for their respective departments, at rates per square foot of available floor space not exceeding 25 cents, payable from appropriations that Congress may from time to time make for rent of buildings for their respective departments.

Mr. SMOOT. That is a rather unusual provision, and I should like the Senator having the bill in charge to explain it.

Mr. DU PONT. This provision was inserted upon the recommendation of the chairman of the Committee on Appropriations, and I will ask him, as he is better informed, to explain it. It has already been adopted in another bill.

Mr. WARREN. Last year in the consideration of an appropriation bill a proposition came to the committee to construct a building for the Department of Commerce and Labor at a rental price per foot very much lower than what it was then paying. It came from the same company that makes a bid now. Such provision was made in the bill referred to. It was left to the discretion of the Secretary of Commerce and Labor, and through that legislation he was able to get even lower bids than the first offered. The contract was made with other parties for a building that is now being constructed and near completion, which adds a great deal to the room and convenience and puts it all under one cover, and costs a great deal less, everything considered.

We are paying now in some cases as high as a dollar a foot, and I think in no case, except in some stable, less than about 55 cents. The report of the economy, or Cleveland, commission brought out the fact that in the War Department there are, as I remember it, 72 rooms that would be first class, or at least perfectly suitable rooms for clerks for office use, that are now used for the storage of papers.

Therefore, instead of renting high-priced buildings and paying at a rate of from 75 cents to a dollar a foot, it seemed best to allow the War Department to have the privilege of contracting for and renting a building at not exceeding 25 cents a foot, the contractor, however, to be at the expense of moving the records into the new building. It is in the interest of economy.

Mr. DU PONT. It is to be a fireproof building.

Mr. WARREN. Yes; a fireproof building. We were assured that there will be offers made of not exceeding the price of 25 cents a foot in some locality, acceptable to the Secretary of War, within two minutes' walk of the department, which will take care of these records and the records of other departments. If that is done, it will be a very large saving of money in rental. We all know that we are paying several hundred thousand dollars here in the District of Columbia for the rent of buildings.

Mr. SMOOT. Did I understand the Senator to say that the same provision has been put in appropriation bills heretofore?

Mr. WARREN. Yes.

Mr. SMOOT. For the Department of Commerce and Labor?

Mr. WARREN. Last year in an appropriation bill we provided in just this way, only at not so low a price, because we had to have an office building for the Department of Commerce and Labor. Under that authority the Secretary proceeded to get bids. He received bids lower than those made by the contractors who had given us the price. Of course, he was to get as low as he could. Very satisfactory arrangements have been made. But that building would not provide for this further need.

The amendment was agreed to.

The next amendment was, on page 39, line 10, after the words "Philippine Islands," to strike out "$491.48" and insert "$1,652.43," so as to make the clause read:

Claims for damages to and loss of private property: For settlement of claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippine Islands, $1,652.43.

The amendment was agreed to.

The next amendment was, under the subhead "Medical department," on page 39, line 13, after the word "included," to strike out "ambulance" and insert "ambulances," so as to read:

Medical and hospital department: For the purchase of medical and hospital supplies, including ambulances and disinfectants, and the exchange of typewriting machines for military posts, camps, hospitals, hospital ships, and transports; for expenses of medical supply depots; for medical care and treatment not otherwise provided for, including care and subsistence in private hospitals of officers, enlisted men, and civilian employees of the Army, of applicants for enlistment, and of prisoners of war and other persons in military custody or confinement, when entitled thereto by law, regulation, or contract.

The reading of the bill was continued to line 22, on page 39.

Mr. DU PONT. I move that a comma be inserted after the word "hospitals," on page 39, line 18.

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

The reading of the bill was continued.

The next amendment was in the item of appropriation for purchase of medical and hospital supplies, on page 40, line 21, after the words "Medical Department," to strike out "$750,000" and insert "$775,000," so as to read:

For the payment of express companies and local transfers employed directly by the Medical Department for the transportation of medical and hospital supplies, including bidders' samples and water for analysis; for supplies for use in teaching the art of cooking to the Hospital Corps; for the supply of the Army and Navy Hospital at Hot Springs, Ark.; for advertising, laundry, and all other necessary miscellaneous expenses of the Medical Department, $775,000.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 45, line 7, after "$200,000," to strike out "*Provided*, That no part of any sum in this act appropriated shall be expended in the purchase of ordnance powder at a price in excess of 53 cents per pound or for small-arms powder at a price in excess of 65 cents per pound," so as to make the clause read:

Ordnance stores—Ammunition: Manufacture and purchase of ammunition and materials therefor for small arms for reserve supply; ammunition for burials at the National Soldiers' Home in Washington, D. C.; ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, D. C., and soldiers' and sailors' State homes, $200,000.

Mr. BRISTOW. I wish to make some inquiry about the amendment striking out lines 8, 9, 10, and 11.

Mr. DU PONT. I will state to the Senator from Kansas that those lines were stricken out, over an objection made by me, at the instance of the chairman of the Committee on Appropriations, who requested that this action be taken by our committee in order that the amendment would go into conference and be harmonized there with the action to be taken with respect to the fortifications appropriation bill and the naval appropriation bill, in which similar items occur.

Mr. BRISTOW. My attention was called to the matter in the last few hours. A statement and a copy of the hearings in the House were transmitted to me indicating that the cost of making powder was only about 35 cents a pound; and that being the case, it would seem that ample latitude had been given in the provision which it is proposed to strike out.

Mr. WARREN. The Senator has evidently not had his attention turned to other parts of the report, which quote quite differently from that.

It is an old matter; a matter that has come up annually for many years. In the first place, we were buying all of our powder from private concerns, and the only large concern that was fitted and equipped to make Government powder in large quantities was the Du Pont Co. It seemed best for the Government, first, to know what it would cost, and also be in a position to manufacture some powder.

It was my duty in serving upon the Committee on Appropriations to work as one of the subcommitteemen on the fortifications bill, and in the Army appropriation bill we had to take up this matter of powder. We provided on the Army side, under management of Gen. Crozier, Chief of Ordnance, that we would erect a powder factory, the idea being that we would erect an establishment large enough so that the eight-hour-a-day work would leave a possible extension of three times the usual product, through three shifts of workmen, in the case of war, in the manufacture of powder, and that additions could be made to the plant in case of serious war, the fact being impressed upon us that in war times we could not buy the powder abroad, as the Senator knows. The neutrality and the comity of nations would prevent it, and it was found that it would be impossible as then equipped, with all the machinery we had in the United States, to furnish the powder we might need, or any large percentage of it, in case of actual war.

So the United States went into the manufacture of powder in this way, without the intention of undertaking to make all the powder we use, but with the intention of knowing what it would cost and what quality we wanted, and so as to insist on other powders being all right as to both price and quality.

The year after, or the next year, the Navy proceeded in the same way, and they have a powder factory. We proceeded in that way, keeping the idea in view that out of the $5,000,000 investment in Delaware, of which over $4,000,000 is for making the Government powder, they should have a certain amount of this work to do in the interest of the United States at a price that would cover the cost. I have looked at all the tables. I find that, taking Gen. Crozier's tables, they start in, like they do in the manufacture of gas or electricity, and first figure the cost of the actual material bought and of the men paid, and then they have later regarded overhead charges so far as the Government is concerned.

The charges in another table, as the Senator will find, amount to something like 45 or 48 cents; and there is no fire loss charge, because the United States pays nothing for insurance and sets apart nothing for fire risks. There is nothing for taxes, because the United States Governments pays no tax. The addition for interest is calculated at 3 per cent only, because I will say that is not the maximum but perhaps the average which the Government pays; and no regular depreciation is charged.

Last year the House put a maximum in the bill of 71 cents for powder which the Government should purchase, and we said nothing and let it go. Powder runs from about 40 cents to 98 cents or $1.05 according to the quality. Of course, putting a maximum at a certain price would permit certain powder to come in under it and would block out certain other powders.

This concern came to the United States and said, "If you will give us so much powder to manufacture, the overhead charges are about the same whether we make 5,000,000 or 1,000,000 pounds, and so are the incidentals. Give us a contract of, say, 5,000,000 pounds and we will make it at 60 cents." I think a contract was let for 5,000,000 at 60 cents. The Government officers found that they did not need that much. So they appealed, as is shown in the House hearings, to representatives of the company to know what bonus they would charge them to allow the Government to cut off the million or two million pounds that it did not need. The company responded that under the circumstances they could deliver it along at different dates to the Government—incidental to their commercial business—and they would charge nothing for the forfeit of contract; that they would be very glad to cut it down.

I believe that we ought to cut out the limits proposed, let the matter go to conference, and see what information the other House has, and see what may be done in conference, so that we may not get entangled in a situation where we would not gain anything by the provision.

Mr. BRISTOW. The purpose is to have uniformity in all of the bills regarding this matter?

Mr. WARREN. It is, and to get further information. We do not know what information the House Committee on Mili-

tary Affairs has. We propose to put it in conference, and for that purpose the clause was stricken out.

Mr. BRISTOW. What has been the experience of the Senator in regard to the powder factories that have been established by the Government? Are they successful?

Mr. WARREN. I consider them successful in the way that they are run. I am sure they act as an assurance to the Government that the Government can make a certain amount, and, furthermore, they provide us all the time with tests as to cost and quality.

Mr. BRISTOW. That is, the powder which the Government is making is costing about 35 cents for the ordnance and for the small arms about 48 cents.

Mr. WARREN. It is costing that, as I said, for the absolute outgo for material and labor.

Mr. BRISTOW. If that is the case, why should we not make all of our powder instead of paying much more to a private company?

Mr. WARREN. In order to get that it would probably require the expenditure of $5,000,000 to $10,000,000 in works and materials. It takes so much apparatus, so much for buildings, and so forth, and about our only use of our big investment would be in war times. It would be possible to get along in times of peace with moderate powder works, but in times of war we would be entirely at the mercy of other countries unless we had a tremendous establishment.

Mr. BRISTOW. I have not studied the matter sufficiently to discuss it at length, my attention only having been called to it this afternoon, but I wanted to get all the information I could. It seems to me that we are not justified in paying so much for powder, and I think that further consideration should be given to the matter.

Mr. WARREN. I can understand the way the Senator feels. If we can make our own powder, we ought to do it. I think that is right in a certain way, but we ought not to burn our bridges so that we would not have access to a certain amount of machinery in readiness to furnish us in time of war.

The amendment was agreed to.

Mr. McCUMBER. Is the bill now being considered for committee amendments only?

The PRESIDENT pro tempore. The committee amendments are first in order.

Mr. McCUMBER. I wish to call the attention of the Senator in charge of the bill to something which does not appear as an amendment but is in the body of the bill which has just been passed over.

I call the attention of the Senator to page 16, where I find two items. The first one reads:

For amount required to make monthly payment to Jennie Carroll, widow of James Carroll, late major and surgeon, United States Army, as per act of Congress approved May 23, 1908, $1,500.

Immediately following that is the same amount to Mabel H. Lazear.

The Senator will remember that these two items were passed to the Committee on Military Affairs from the Pension Committee, and while they were considered as annuities rather than pensions, nevertheless I presume it was granted by the Senate because of the death of the husband. I am informed that one of these ladies—I do not remember which one—has remarried, and I do not think that the annuity or a pension, whatever it may be called, ought to be continued if that is the case. I have no definite information on it, and I simply ask the Senator if he has any knowledge concerning it?

Mr. DU PONT. I will say to the Senator from North Dakota that this is the first intimation I have heard of such a thing. No such information has reached the committee. If any definite information can be furnished, I have no doubt the committee will take appropriate action.

Mr. BRISTOW. Mr. President, why not strike out this provision and let it go to conference? Then, in the meantime, the chairman of the committee can ascertain whether or not the statement is true.

Mr. WARREN. Mr. President, I presume the Senator from North Dakota is perfectly familiar with the origin of this legislation, and perhaps the Senator from Kansas also is. These are items providing for the widows of those officers who were patriotic enough to offer their bodies for experiment in regard to yellow fever and diseases of that kind in Cuba and other places. They lost their lives in consequence and have left large families.

Mr. BRISTOW. And if the widow remarries, of course she would not be entitled to this money.

Mr. WARREN. Possibly so. I know nothing of that; but these items come up in the regular estimates from the War Department, as they have ever since they were provided for by law.

Mr. McCUMBER. If we had proceeded as we proceed in the regular pension cases, the matter would have been covered by a general law providing that as soon as a widow is remarried the pension shall cease, and the Pension Office generally ascertains that fact; but this is to be paid out of the Army appropriations, and does not go through the Pension Office at all. Therefore it is probably incumbent upon the Committee on Military Affairs or the War Department to ascertain whether both of these ladies are still widows. I may be entirely mistaken.

Mr. DU PONT. I have no objection, I will say to the Senator, to communicating with the War Department and asking them if they have any information on the subject. The only reason——

Mr. LODGE. If this provision is not stricken out, the matter will not be open to settlement in conference.

Mr. WARREN. That is true. I should like an expression from the chairman of the Committee on Pensions about one thing. These were extraordinary cases, as the Senator knows.

Mr. McCUMBER. The amounts granted would indicate that, of course, they were extraordinary cases.

Mr. WARREN. And if, as I recall, there are quite large families of children, some of whom are yet young, and if it so be that one of these women has remarried, and has married a man who is perhaps unable to take care of this family of children, would the Senator draw that strict line which we have heretofore drawn in regard to pensions? That is another matter to be considered. On general principles, I agree with the Senator.

Mr. McCUMBER. Then we might consider the children as the children of the officer.

Mr. WARREN. Yes.

Mr. McCUMBER. But we could hardly consider a woman a widow and grant her a pension when she is a married woman.

Mr. WARREN. In that case, in conference it would be competent to consider the wants of the children.

Mr. McCUMBER. I will say that I will try to see if I can get any definite information on the subject before the bill closes. My attention has just been called to the fact which I have stated; it was so reported in one of the newspapers. Before we get through with the bill probably I may obtain definite information, and I will call the attention of the chairman of the committee to it if I do.

Mr. DU PONT. I will say that I have no objection at all to having these items provisionally stricken out, so that they may come up in conference for that purpose.

Mr. OVERMAN. Why not strike them out now, and let the matter go to conference, so as to ascertain whether the information is correct?

Mr. DU PONT. I will move, Mr. President, that the matter be stricken out.

Mr. McCUMBER. I hope the Senator will not do that, because the information I have received may not be absolutely correct. I probably can ascertain more definitely before we get through with the bill, and it had better remain for the present. I may ascertain in a few moments.

Mr. WARREN. I want to take just a moment to say, as we are now surrounded by men who have gone through wars and since, to most men, it is nothing to go out to battle and take one's life in his hands, to be shot, as compared with a proposition to submit to an inoculation, which is almost certain death, in order to save others, in order to forward the science of medicine——

Mr. DU PONT. And to benefit mankind——

Mr. WARREN. These cases are really taken out of the category of ordinary pension cases. So, I say, we ought to hesitate before this matter is finally closed, to see that we do not do injustice. I had rather be overliberal than unjust.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 46, after line 21, to insert:

Automatic machine rifles: For the purchase, manufacture, and test of automatic machine rifles, including their sights and equipments, to be available until the close of the fiscal year ending June 30, 1915, $150,000.

The amendment was agreed to.

The next amendment was, on page 48, line 6, after the date "nineteen hundred and twelve," to insert: "*Provided*, That hereafter appropriations made for the Ordnance Department shall be available for the payment of royalties on all royalty contracts made during the availability of such appropriations," so as to make the clause read:

The sum of $13,913.25, a part of the sum of $200,000 appropriated by the act of March 3, 1909, for automatic rifles, and set aside by the

Ordnance Department for payment of royalties, is hereby made available for the payment of such royalty on automatic rifles completed during the fiscal year 1912: *Provided*, That hereafter appropriations made for the Ordnance Department shall be available for the payment of royalties on all royalty contracts made during the availability of such appropriations.

The amendment was agreed to.

The next amendment was, on page 48, after line 18, to insert:

On and after July 1, 1913, courts-martial shall be of three kinds, namely: First, general courts-martial; second, special courts-martial; and third, summary courts-martial.

General courts-martial may consist of any number of officers from 5 to 13, inclusive.

Special courts-martial may consist of any number of officers from three to five, inclusive.

A summary court-martial shall consist of one officer.

The President of the United States, the commanding officer of a territorial division or department, the Superintendent of the Military Academy, the commanding officer of an army, a field army, an army corps, a division, or a separate brigade, and, when empowered by the President, the commanding officer of any district or of any force or body of troops may appoint general courts-martial whenever necessary; but when any such commander is the accuser or the prosecutor of the person or persons to be tried, the court shall be appointed by superior competent authority, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

The commanding officer of a district, garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a brigade, regiment, detached battalion, or other detached command may appoint special courts-martial for his command; but such special courts-martial may in any case be appointed by superior authority when by the latter deemed desirable, and no officer shall be eligible to sit as a member of such court when he is the accuser or a witness for the prosecution.

The commanding officer of a garrison, fort, camp, or other place where troops are on duty, and the commanding officer of a regiment, detached battalion, detached company, or other detachment may appoint summary courts-martial for his command; but such summary courts-martial may in any case be appointed by superior authority when by the latter deemed desirable: *Provided*, That when but one officer is present with a command he shall be the summary court-martial of that command and shall hear and determine cases brought before him.

General courts-martial shall have power to try any person subject to military law for any crime or offense made punishable by the Articles of War and any other person who by statute or by the law of war is subject to trial by military tribunals: *Provided*, That no officer shall be brought to trial before a general court-martial appointed by the Superintendent of the Military Academy.

Special courts-martial shall have power to try any person subject to military law, except an officer, for any crime or offense not capital made punishable by the Articles of War: *Provided*, That the President may by regulations, which he may modify from time to time, except from the jurisdiction of special courts-martial any class or classes of persons subject to military law.

Special courts-martial shall have power to adjudge punishment not to exceed confinement at hard labor for six months or forfeiture of six months' pay, or both, and in addition thereto reduction to the ranks in the cases of noncommissioned officers, and reduction in classification in the cases of first-class privates.

Summary courts-martial shall have power to try any soldier, except one who is holding the privileges of a certificate of eligibility to promotion, for any crime or offense not capital made punishable by the Articles of War: *Provided*, That noncommissioned officers shall not, if they object thereto, be brought to trial before a summary court-martial without the authority of the officer competent to bring them to trial before a general court-martial.

Summary courts-martial shall have power to adjudge punishment not to exceed confinement at hard labor for three months or forfeiture of three months' pay, or both, and in addition thereto reduction to the ranks in the cases of noncommissioned officers and reduction in classification in the cases of first-class privates: *Provided*, That when the summary court officer is also the commanding officer no sentence of such summary court-martial adjudging confinement at hard labor or forfeiture of pay, or both, for a period in excess of one month shall be carried into execution until the same shall have been approved by superior authority.

Articles 72, 73, 75, 81, 82, and 83 of section 1342 of the Revised Statutes; the first section of an act entitled "An act to promote the administration of justice in the Army," approved October 1, 1890, as amended by the first secton of an act approved June 18, 1898 (30 Stats., 483, 484), are hereby repealed.

Mr. DU PONT. I offer an amendment on behalf of the committee to the amendment, on line 9, page 52, after the word "repealed," to add the words which I send to the desk, the object being not to interfere with the courts actually in session at the time this provision of law goes into effect.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 52, line 9, after the word "repealed," it is proposed to add:

But courts-martial duly and regularly convened in orders issued prior to the date when this act takes effect and in existence on that date, under Articles of War hereby repealed, may continue as legal courts for the trial of cases referred to them prior to that date with the same effect as if this act had not been passed.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was concluded.

Mr. BRISTOW. Mr. President, on page 48, after line 18, I desire to offer an amendment, which I will read:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles, other than automobile trucks, shall be used for the purchase and maintenance of any vehicles that are not drawn exclusively by mules.

Mr. WARREN. Whose mules?

Mr. LODGE. Mr. President, I should like to know more about that amendment before it goes through. It is clearly subject to a point of order. It is general legislation.

Mr. BRISTOW. I do not think it is subject to a point of order.

Mr. LODGE. It is general legislation.

Mr. BRISTOW. No; it relates to specific appropriations contained in this bill, and provides how they shall be expended.

Mr. BRANDEGEE. It is a limitation on the appropriation.

Mr. BRISTOW. It is not general legislation at all, but is a limitation on the appropriation.

Mr. LODGE. The point at which the Senator offers it relates to the loan of tents by the Secretary of War to the Grand Army of the Republic and Confederate Veterans.

Mr. BRISTOW. Evidently the Senator did not pay close attention to the reading of the amendment. It is a separate paragraph and reads:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles other than automobile trucks shall be used for the purchase and maintenance of any vehicles that are not drawn exclusively by mules.

The mule is an American animal, and a very useful one, and is hardier than the horse in the drawing of heavy loads.

Mr. BRANDEGEE. Is he exclusively American?

Mr. BRISTOW. He may not be exclusively American.

Mr. WARREN. What about automobiles?

Mr. BRISTOW. The amendment cuts out the automobiles, of course.

Mr. WARREN. Then, you would have to buy more wagons.

Mr. BRISTOW. Wagons are cheaper than automobiles, anyway; and I, for one, am tired of having my life endangered by automobiles that are driven by subordinate Government officials, with the name "Quartermaster's Department," or something like that, painted on them in nonpareil type.

Mr. SUTHERLAND. Does not the Senator think that a mule is quite as deadly as an automobile?

Mr. BRISTOW. He is not quite so speedy.

Mr. BRANDEGEE. It depends upon which end you have reference to. [Laughter.]

Mr. BRISTOW. I think my amendment would be a most excellent provision to incorporate in this bill, and would stop a very noxious abuse.

The PRESIDENT pro tempore. Does the Senator from Massachusetts make the point of order against the amendment?

Mr. LODGE. I think it is subject to the point of order, though I recognize it is a limitation. It is, however, very general in its character, affecting an entire branch of the service.

Mr. BRISTOW. It affects nothing except the appropriations we are now making.

Mr. LODGE. It affects only Army appropriations, but it is apparently designed for the promotion, development, and increase of mules.

Mr. BRISTOW. It is to prevent the misuse of the moneys we are now appropriating.

Mr. TILLMAN. And incidentally to make a market for mules. [Laughter.]

Mr. BRISTOW. Oh, no. I do not care anything about mules, except I think they are good beasts of burden.

Mr. LODGE. I make the point of order against the amendment, Mr. President.

The PRESIDENT pro tempore. The Chair does not think the point of order is well taken. The amendment relates strictly to the subject matter of the appropriation.

Mr. WARREN. Mr. President, in private business I have advised people to do something like the Senator from Kansas is advocating for the Army—to get as many mules as they could. They can be bought down in the southern part of the country quite freely; but I think this amendment is so sweeping that, instead of being a matter of economy and accommodation, it will obstruct and impede the proper handling of the vehicles of the Medical Department, the Quartermaster Corps, and other branches of the service. I should like to see an amendment of that kind have a little further consideration. I should like to hear what the responsible officers of the Army, who have charge of the administration of the law, have to say about it. I presume that what the Senator is aiming at particularly—and I have no fault to find with his amendment in that respect—is the abuse, in a private way, of the privileges of public vehicles and conveyances. I agree with him that that ought to be checked to the very last degree; but here is the entire Army, scattered all over this country, with quite a proportion of it at other points, with its ambulances and dougherties, light driving and freight wagons, one part arranged for horses and another part, of course, for automobiles. I should like to know what effect a change brought about on such short notice would have on the expense of the Army.

Mr. BRISTOW. I think, indeed, it will result in economy. As the Senator knows, in the various sections of the country, mules are now used for the drawing of these ordnance and commissary wagons. It is principally directed to the city of Washington, where Government officials drive thousand-dollar horses behind elegant vehicles, or buy automobiles for the use of a few people, who use them principally for private purposes, though they are provided at public expense.

Mr. WARREN. The Senator is both right and wrong. He is right in saying that mules are used; that is true; but he is wrong in saying that they are exclusively used outside of Washington. He is quite wrong in that, because a great many of the posts use horses. I presume if the Senator will examine the posts in his own State he will find that a large proportion of the motive power is horses instead of mules.

Mr. BRISTOW. That has not been my observation.

Mr. WARREN. I will say to the Senator that I do not want to be led into any depreciation of the mule. I have recognized their utility for a good many years, and I wish we had more of them. It may be that we can eventually land in the territory which the Senator is laying out for us; but it is a little bit sudden, if I may use the expression, to put it without previous consideration into an appropriation bill.

Mr. DU PONT. Mr. President, if the Senator will permit me, I stand, as I assume, with every other member of the committee, in favor of all reasonable and proper economies and as opposed to all abuses of the public transportation. But this matter has not been considered in the committee at all and was not brought up there. It is impossible to tell in advance what the actual results would be—whether they would be immediately expensive or immediately economical. It may be that in some places special conditions exist where the adoption of this amendment would result for the moment in a larger expenditure; and if that is the case, it would be in order to see whether, by making this larger expenditure for the moment, we could in the future produce great economies. All those things must be weighed.

Then there is a question in my mind about the care of the sick and the transportation of the sick to hospitals, as to whether they would be content to be carried in ambulances drawn by mules. There are a great many special questions that should be examined. I hope the matter will be more carefully investigated before we pass on it.

Mr. BRISTOW. I think the Senator will find that the ambulances are drawn by mules now. At least, that has been my observation.

Mr. DU PONT. Not in this city.

Mr. BRISTOW. They may not be in this city, but they are in different parts of the country.

Mr. JOHNSTON of Alabama. I want to say that I am heartily in sympathy with the purpose of the Senator from Kansas in regard to this abuse of the purchase of unnecessary automobiles by officials of the Government; but his amendment would affect transportation facilities that I think it would hardly be proper to affect, because I am informed that the Quartermaster's Department have some steam automobile trucks, which they use in moving their very heavy freight.

Mr. BRISTOW. I have excluded trucks.

Mr. JOHNSTON of Alabama. The Senator has excluded them?

Mr. BRISTOW. Yes; automobile trucks are excluded. They are not within the inhibition of this amendment.

Mr. BBANDEGEE. I ask that the amendment may be again reported.

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

The SECRETARY. On page 48, after line 18, it is proposed to insert:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles, other than automobile trucks, shall be used for the purchase and maintenance of any vehicles that are not drawn exclusively by mules.

Mr. BRANDEGEE. Mr. President, let me ask the Senator from Kansas, why should not the Army be allowed to have vehicles drawn by horses if it wants to?

Mr. BRISTOW. The purpose of this amendment is to eliminate an abuse. I have been advised that the Army is paying as high as $1,000 apiece for horses to draw carriages for the convenience and pleasure of Army officers and their families.

Mr. WARREN. Mr. President, I wish the Senator would give us his authority for that statement.

Mr. BRISTOW. I have seen it in the papers, and I have been advised that it is true by those who claim to know. Certainly I have seen horses on the streets of Washington drawing carriages of the Quartermaster's Department that I know were very expensive spans, and the equipage was very elegant. I think that is an outrageous abuse, and I want to stop it. The pride of these people will prevent them from riding behind a team of mules, and the mules will do the work that we want done better than the horses will. He is a better animal for the hard work of the Government, though not so well suited for pink-tea occasions.

Mr. WARREN. The Senator is mistaken about that. A great many would prefer to ride behind a mule rather than a horse, while others would prefer to ride behind a horse rather than a mule.

Mr. BRISTOW. That would depend upon the occasion.

Mr. WARREN. I take issue with the Senator on the matter of high-priced horses. We had an opportunity not long since, in the matter of these remounts, breeding horses, et cetera, to purchase some very expensive horses for a not large price—inside of a thousand dollars. We were immediately met with the objection that we could not pay over $200, I think, or it might have been $175, each for them. While there may be elegant horses being ridden or being driven, as the Senator knows, there is an allowance made to any officer entitled to a horse to ride who furnishes his own horse. A great many officers buy high-priced horses, and receive from the Government $150 a year instead of being furnished with a horse.

I feel just as the Senator does about automobiles and fine horses being bought by the Government and used by officers for private use, but I find that spans of horses are owned by those officers that can afford them. Furthermore, you will often find an officer of high grade, especially here in Washington, who owns his own automobile. It is hardly fair because an officer rides in his own automobile to inveigh against the entire Government ownership of automobiles.

Mr. BRISTOW. This does not affect him at all.

Mr. WARREN. The Senator will find that a great many horses are being ridden by their owners under this allowance.

Another thing: I have been running this matter over in my mind since the Senator spoke. Except on the frontier, the transportation is very largely made, and economically made, with horses. To make a sudden change of this kind would throw onto the market, or, rather, would condemn in itself, a very large number of horses, and, on the other hand, would put us into the market for a large number of mules, the price of which would, of course, be greatly advanced if we made the purchase of a great many in a short time.

Mr. BRISTOW. I will say that this amendment was originally suggested by an Army officer of high rank, who thought it would be a mighty good thing if such a provision were incorporated in the Army appropriation bill, and he thought it would accomplish a good purpose.

Mr. BRANDEGEE. Mr. President, if I understand the Senator from Kansas, his motive is economical administration of the Government.

Mr. BRISTOW. Proper administration and economical administration, of course; yes.

Mr. BRANDEGEE. The Senator has stated that the horses that are bought cost too much. Instead of attempting to differentiate between the breeds of animals that are to be employed by the Government, why does not the Senator lay his amendment upon the basis of the expense of the animals employed by the Quartermaster Department, irrespective of whether they are mules or horses, or any other kind of animal? I should think it would be more appropriate to provide that no draft animal purchased by the department should cost more than so much money, and leave it to the discretion of the purchaser to decide which is best adapted for the particular location where the animal is to be used. A horse might be better in some localities, and a mule in others.

Mr. BRISTOW. That might be; but that limitation would be somewhat difficult to enforce, because some heavy draft teams of mules would be expensive.

Mr. BRANDEGEE. My suggestion proceeds upon this theory, Mr. President: I am perfectly sure there are mules to be bought in the market that cost a good deal more than the ordinary first-class horse.

Mr. BRISTOW. Yes.

Mr. BRANDEGEE. A first-class mule is a very valuable animal.

Mr. DU PONT. A very expensive animal.

Mr. BRANDEGEE. The limitation suggested by the Senator would not necessarily reduce the expense. If the Government should purchase the best mules in the market, I have no doubt the expense would be much more than it is at present in the purchase of horses.

Mr. DU PONT. I would suggest to the Senator from Kansas that he should limit his amendment, as a preliminary step, to the city of Washington, and see what the effect would be there,

and then if found desirable, perhaps it could be extended to the whole country.

Mr. TOWNSEND. Mr. President, do I understand the Senator to mean that this limitation should extend for longer than the next four years?

Mr. BRISTOW. No; during the operation of this bill.

The PRESIDENT pro tempore. The question is upon the adoption of the amendment offered by the Senator from Kansas [Mr. BRISTOW.] [Putting the question.] The Chair is in doubt.

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

The yeas and nays were not ordered.

Mr. SUTHERLAND. Mr. President, I offer the amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment offered by the Senator from Kansas has not yet been disposed of. There were so few voting that the Chair was about to put the question again. [Putting the question.] By the sound the "noes" have it. The "noes" have it, and the amendment is rejected.

Mr. TILLMAN. Mr. President——

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

Mr. SUTHERLAND. I offer the amendment, which I send to the desk and ask to have read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 9, line 6, after the numerals, it is proposed to insert the following:

Provided, That the words "civil-service employees" used in section 4 of "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes," are hereby declared to extend to and include all employees in the unclassified service under the jurisdiction of the War Department, not accompanying troops in the field.

Mr. SUTHERLAND. Mr. President, I hope that amendment will not be antagonized by the chairman of the committee. I think it is a very necessary amendment. Section 4 of the Army appropriation bill of last year provided:

That as soon as practicable after the creation of a Quartermaster Corps in the Army not to exceed 4,000 civilian employees of that corps, receiving a monthly compensation of not less than $30 nor more than $175 each, not including civil engineers, superintendents of construction, inspectors of clothing, clothing examiners, inspectors of supplies, inspectors of animals, chemists, veterinarians, freight and passenger rate clerks, civil-service employees, and employees of the classified service, employees of the Army transport service and harbor boat service, and such other employees as may be required for techincal work, shall be replaced permanently by not to exceed an equal number of enlisted men of said corps.

The purpose of that amendment seems to have been to get rid of about 4,000 of the civilian employees of this corps and to put in their places permanently the enlisted men of the Army.

I have no objection to that so long as it is applied to that corps when it is in the field; but it ought not to be applied to those employees who are engaged in the cities or about the quartermasters' depots. I think it is a very great mistake to put in the place of these civilian employees, engaged in these cities and about the quartermasters' depots, these enlisted men.

It is bad for two or three reasons. In the first place, farther along in this same section provision is made for the enlistment of 6,000 men in this corps, the evident purpose being by that means to bring pressure upon the civilian employees to enter service in the Army. The rule under which enlistments are made is that they shall be confined to unmarried men. The consequence of the operation of the rule is that married men are thrown out of employment, and unmarried men take their places.

Everybody understands perfectly that the employee who is married is ordinarily a better employee, and can be more depended upon, than the single man; so that that result is unfortunate. I think it is a great mistake to have a provision of this kind which operates as a pressure upon men, which compels them to enlist in the Army rather than to lose their jobs.

As I understand the position of the Quartermaster General, he is not opposed to a provision of this character as I have now drawn it. I call attention to the hearings before the Senate committee, on page 18, where Gen. Aleshire, the Chief of the Quartermaster Corps, stated:

A number of unclassified civilian employees required to accompany troops in the field, such as assistant wagon masters, cargadors, teamsters, and laborers, have already been replaced by enlisted men of the Quartermaster Corps under the provisions of section 4, Army appropriation act, fiscal year 1913. The proposed amendment, if enacted would continue in their respective positions all of the employees who had not been replaced upon the date of approval of the act, and thereby nullify in a great measure the operation of section 4 of the act making appropriation for the support of the Army for the fiscal year 1913.

Then he continues—and this is what I call attention to:

The personnel accompanying troops in the field would be in part civilian employees and in part enlisted men of the Quartermaster Corps, which is considered undesirable.

I quite agree with that statement, that it would be undesirable, and the amendment which I have proposed excludes men engaged in that particular service. Then he proceeds:

In the opinion of this office the proposed amendment declares the intent of Congress in enacting the original section, and thereby may make this intent retroactive and thus give unclassified employees who have been separated from the service a claim for reemployment in the positions from which discharged when replaced by an enlisted man.

Of course, he is mistaken about that. It is not intended to be retroactive, and unless it provided in express terms that it should be retroactive, of course it could not be given that construction.

Then he concludes:

In this connection it may be remarked that all classified employees are secure in their positions under the present law, and no unclassified employees in cities, at general depots of the Quartermaster Corps, such as packers, teamsters, and laborers, have been discharged for the purpose of filling the position with an enlisted man, nor is it the intention of this office to do so in the future.

It being true, as he says, that it has not heretofore operated so as to put the enlisted men in the place of these civilian employees, and it being the intention of the Quartermaster not to do that in the future, certainly the amendment which I have proposed carries out the announced policy of the department.

I trust the chairman of the committee will consent to the amendment.

Mr. DU PONT. Mr. President, I am always desirous of extending all possible courtesies to the Senator from Utah; but I can not accept the amendment on the part of the committee, for the reason that the matter was discussed in the committee and unanimously rejected, for reasons based on this very letter to the Secretary of War, signed by the Quartermaster General of the Army, who recommends that the proposed amendment be not favorably considered, and be adversely reported upon. I do not see how the committee could rescind their action, in view of the fact that they have already discussed this matter.

Mr. SUTHERLAND. If the Senator will permit me, I will call his attention to the fact that the amendment which was being considered has now been altered by the addition of the words "not accompanying troops in the field," and as thus amended it clearly agrees with the announced policy of the Quartermaster General himself. I can not see the slightest objection to putting that sort of an amendment in. He says in his report:

In this connection it may be remarked that all classified employees are secure in their positions under the present law, and no unclassified employees in cities, at general depots of the Quartermaster Corps, such as packers, teamsters, and laborers, have been discharged for the purpose of filling the position with an enlisted man, nor is it the intention of this office to do so in the future.

That being the announced policy of the department, why should there be any objection to making it clear in this law? On the other hand, if the department undertakes to depart from that policy in the future, in my judgment it would be doing an exceedingly unwise thing, which this amendment will prevent.

Mr. DU PONT. Owing to the very fact that it is stated—

That all classified employees are secure in their positions under the present law, and no unclassified employees in cities, at general depots of the Quartermaster Corps, such as packers, teamsters, and laborers, have been discharged for the purpose of filling the position with an enlisted man, nor is it the intention of this office to do so in the future.

In the opinion of the committee it is unnecessary to put this legislation into the Army appropriation bill. Under the circumstances I must confess that it seems to me to be clearly susceptible to the point of order that it is general legislation, and I make the point of order.

Mr. SUTHERLAND. I want to be heard for a moment on the point of order, but before I do it, if the Senator will withhold it——

Mr. DU PONT. Certainly; I withhold it.

Mr. SUTHERLAND. I want to make another suggestion to him. I thought it quite likely the Senator would give the reply he now makes, that inasmuch as it is the policy of the department it is unnecessary to put it into the law. But the Senator overlooks the suggestion which I made, that the effect of this legislation is to operate as a pressure upon these civilian employees to enlist against their own desire in the Army. That that is so I call attention to two letters written by the Quartermaster General.

Mr. DU PONT. May I interrupt the Senator from Utah for a moment?

Mr. SUTHERLAND. Certainly.

Mr. DU PONT. I understand that now they can not enlist if they are married men. Therefore it is a pressure which can only come to those who are single men.

Mr. SUTHERLAND. That is quite true.

Mr. DU PONT. I understood the Senator to say a short time ago that most of these men were married.

Mr. SUTHERLAND. No; I did not. I do not know what proportion of them are married; but I stated that the effect of the legislation was, so far as the law was put in operation, to put married men out of employment and unmarried men in to the extent to which the unmarried men enlist.

Mr. DU PONT. I misunderstood the Senator.

Mr. SUTHERLAND. The Quartermaster General says, among other things, in a letter which I have in my hand:

Employees at depots who were appointed from the unskilled civil-service lists, who are under 45 years of age, will be required to enlist, and refusing enlistment their places will be filled by enlisted men of the Quartermaster Corps of the Army.

In another letter he says:

In view of the wording of the law and the decision of the Secretary of War, it would appear that unless the law is changed the unclassified employees must be discharged in order that men may be enlisted.

Statements of that kind coming from the War Department rather compel the civilian employees, in order to feel secure in their positions, to enlist in the Army, and I object to that sort of thing. I should object to a conscription act in a time of peace, and this very nearly approaches that kind of an act.

As to the point of order, Mr. President, the amendment suggested is clearly in order, because it is a limitation upon the appropriation for the pay of these identical enlisted men, amounting to the sum of $810,000. To the extent that my amendment will alter the law, it will affect the amount of that appropriation which will be expended.

The PRESIDENT pro tempore. Will the Senator please restate his point again? The Chair did not exactly hear it.

Mr. SUTHERLAND. The bill makes an appropriation for the pay of enlisted men, Quartermaster Corps, and additional pay for length of service, $810,000. That appropriation is for these identical enlisted men who are to take the places of the civilian employees. Under the terms of the law as it now exists these civilian employees can be put out of their positions and enlisted men put in, and these enlisted men would take their places and will share in this appropriation of $810,000.

The effect of my amendment is to limit the provisions of existing law so as to prevent a certain proportion of the civilian employees from being eliminated from the service, and of course to that extent it will operate as a limitation upon the expenditure of the appropriation.

The PRESIDENT pro tempore. The point the Senator makes is that it does not increase, but limits the amount.

Mr. SUTHERLAND. Precisely. It will limit the amount of the expenditure.

Mr. DU PONT. My point of order, Mr. President, is that it is new legislation. It has not only been dealt with by the committee, but it has been formally disapproved by the committee.

Mr. SUTHERLAND. That does not settle it with the Senate, I trust.

The PRESIDENT pro tempore. Unless the Senator from Delaware desires to say something in response to the argument as to the point of order, the Chair will overrule the point of order, the intention being undisputed, the Chair understands, to limit the appropriation. The question, then, is on agreeing to the amendment submitted by the Senator from Utah.

The amendment was agreed to.

Mr. OVERMAN. I offer an amendment to come in on page 12, line 2. I ask that it be read.

The PRESIDENT pro tempore. The amendment submitted by the Senator from North Carolina will be read.

The SECRETARY. In line 2, page 12, after the amount "$10,400," insert the following proviso:

Provided, That hereafter the number of majors in said department shall be seven.

Mr. OVERMAN. I wish to say that is strongly recommended by the Secretary of War and the Judge Advocate General. I think the chairman of the committee understands it, and he will probably accept the amendment.

Mr. DU PONT. I understand the question fully. I have heard it discussed a great many times, and it has been repeatedly recommended by the Secretary, both in writing and to me personally, and by the Judge Advocate General as well. I really think that it will be for the benefit of the service, and under the circumstances I will therefore accept the amendment.

The amendment was agreed to.

Mr. OVERMAN. I ask that an extract from a letter of the Secretary of War which I send to the desk in support of the amendment just agreed to may be printed in the RECORD.

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

JANUARY 20, 1913.

Hon. H. A. DU PONT,
Chairman Committee on Military Affairs,
United States Senate, Washington, D. C.

SIR: I desire to invite your attention to the following suggestions as to legislation touching the Army and the War Department, with the recommendation that the suggestions be considered with a view to legislative action during the current session of Congress.

1. Legislation to increase the personnel of the Judge Advocate General's Department and to place it on a detail basis similar to that prescribed for the Ordnance Department.

In view of the wide range, great importance, and increasing volume of the work of the Judge Advocate General's Department, made strikingly manifest during the past year, it is certain that any reorganization of the Army will involve a considerable increase in the commissioned personnel of that department. Pending the completion of plans for such reorganization, recommendation as to what the increase should be is deferred. I therefore limit my recommendation at this time for further legal personnel in the Army to that imperatively needed in the Judge Advocate General's office in the War Department. The requirements made of that office necessitate the presence of a greater number of commissioned assistants to the Judge Advocate General than can be supplied from the small commissioned personnel of the department, and it has been found necessary to detail one line officer for duty in the office, that officer being required to do the work and assume the responsibilities which should naturally fall upon officers commissioned in the department. Observation during the past year and a half has led me to the definite conclusion that the public interest demands an immediate increase of at least one officer in the Judge Advocate General's Department, in order that the increasing volume of business requiring legal attention in the Judge Advocate General's office may be expeditiously and efficiently disposed of. I therefore recommend the addition of at least one major to the commissioned personnel of the department.

Since the passage of the act of February 2, 1901 (31 Stat., 755), the detail system has been applicable to all staff departments of the Army normally recruited from the line, but in the Judge Advocate General's Department, in which the detail system was first introduced in 1884 (sec. 1, act of July 5, 1884, 23 Stat., 113), it has been applicable only to the lowest grade, that of captain (sec. 15, act of Feb. 2, 1901, 31 Stat., 751). The work required of the Judge Advocate General's Department is highly technical in character and is constantly increasing in volume, complexity, and importance. The Judge Advocate General is of the opinion, in which I concur, that under the detail system now applicable to the Ordnance Department, involving as it does competitive qualification for entry into the department and the necessity for defending tenure therein by meritorious work, there will be greater assurance of securing and maintaining the high-grade commissioned personnel necessary to the efficient administration of the Judge Advocate General's Department.

It is therefore recommended that, in addition to the increase suggested above, the detail system now applicable to the Ordnance Department be made applicable to the Judge Advocate General's Department. The plan thus suggested may be given legislative expression in substantially the following form:

That the Judge Advocate General's Department is hereby increased by one major, the vacancy thus created to be filled in accordance with existing law, and hereafter the provisions of section 26 of the act of February 2, 1901, as modified for the Ordnance Department by section 2 of the act of June 25, 1906, and by the act of March 3, 1909, shall be held to include the Judge Advocate General's Department: *Provided*, That the board of officers which is to recommend officers for detail in the Judge Advocate General's Department shall be composed of officers of that department: *And provided further*, That acting judge advocates may be detailed for tactical brigades, and when not immediately required for service with geographical departments or tactical divisions or brigades, acting judge advocates may be assigned to such other legal duty as the exigencies of the service may require.

* * * * * * *

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

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 7, after line 8, insert:

That nothing contained in the proviso under the heading "Pay of officers of the line" in the act approved August 24, 1912, entitled "An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes," shall be held to apply to the service of Capt. Frank Parker, United States Army, for the period necessary for him to complete his present tour of duty at L'Ecole de Guerre, France.

The amendment was agreed to.

Mr. WORKS. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend by inserting, after line 18, page 49, the following:

That the Pacific Branch of the National Home for Disabled Volunteer Soldiers, located at Santa Monica, Cal., together with all property, including furniture and the records pertaining exclusively to said branch home, be, and the same is hereby, transferred to the War Department, such transfer to be effective July 1, 1913; and on and after said date the said branch home shall be under the jurisdiction and control of the Secretary of War, and all appropriations therefor shall be expended under his direction and accounted for as other appropriations for the War Department; and the Secretary of War is hereby authorized to impose such conditions as he may deem advisable for the admission or retention of those entitled to membership under existing laws who are receiving a pension in excess of $20 per month.

Mr. DU PONT. Mr. President, the amendment proposed by the Senator from California is in harmony with the recommendations of the subcommittee of the Committee on Military Affairs, which carefully investigated the whole subject. I will therefore accept the amendment.

The amendment was agreed to.

Mr. BRISTOW. Following the amendment which has just been adopted, I offer an amendment. I think I have framed it now so as to remove the objection to it from the chairman of the committee and the Senator from Wyoming. I send it to the desk to be read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment just agreed to on page 48 insert:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles that are used in the District of Columbia, other than automobile trucks, shall be used for the purchase, maintenance, or use of any vehicles that are not drawn exclusively by mules.

Mr. GALLINGER. I should like to hear the amendment read again, Mr. President.

The Secretary again read the amendment.

Mr. WARREN. We all love the mule and we respect the horse; but it seems to me that the proposed amendment is an invidious distinction and a sin against the horse that I will not be able to support.

Mr. BRISTOW. Mr. President, the Senator from Wyoming understands the purpose of the amendment. As it was originally drawn he objected to it because he said it might in some sections of the country where mules are not easily obtained result in added expense. But that could not be the case in the District of Columbia. The purpose, as the Senator well knows, is to stop an abuse which I think is scandalous, that of using Government property for private purposes in the District of Columbia.

There is not a Senator here who, when he walks down the streets any day when the weather is pleasant, does not see officers of the Army and of the military establishment using horses and carriages and automobiles for private purposes that are maintained at public expense. We undertake to cut out this abuse as much as we can in the civil establishment, but the abuse is much more widespread, I think, from the military appropriations than from any other of the appropriation bills.

This is not a joke; it is simply a scandal, and this is a means that I think will effectively break it up.

Mr. TOWNSEND. Mr. President, if I understood the Senator from Kansas correctly, his object in adopting the mule was to prevent officers from using it, because he would not want to drive a mule down the street. I have understood that the mule was never more popular than now. If it were wanted really to accomplish this particular purpose, it seems to me we had better adopt oxen, because if we had that as a means of locomotion it is quite certain no officer would drive down the street; and that is, I understand, what we are trying to prevent.

Mr. GALLINGER. Mr. President, I was not in the Chamber when this matter was up a few moments ago, and I have just heard the proposed amendment read with interest and astonishment. I do not think it ought to be agreed to. If the Senator from Kansas should offer an amendment to absolutely prohibit the use of public moneys for the purposes indicated in his amendment, I would have some sympathy with it, but I do not think we ought to gratuitously slur Army officers and thus make ourselves subject to the criticism that will fall upon us if we adopt an amendment of that kind. Therefore I feel constrained to make the point of order against it.

Mr. BRISTOW. The point of order has been made, and it was decided that the amendment is in order. It is simply a limitation upon the expenditure of the money.

Mr. GALLINGER. I was not aware of that fact. If the Chair has decided that, of course I submit to the decision of the Chair. Then, Mr. President, I move to lay the amendment on the table.

The PRESIDENT pro tempore. The Senator from New Hampshire moves to lay the amendment on the table.

Mr. BRISTOW. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

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

The PRESIDENT pro tempore. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will proceed to call the roll.

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

Ashurst	Dillingham	McCumber	Smith, Ga.
Bacon	du Pont	Martin, Va.	Smith, Md.
Borah	Fall	Martine, N. J.	Smith, Mich.
Bourne	Fletcher	Nelson	Smoot
Brandegee	Foster	Oliver	Stephenson
Bristow	Gallinger	Overman	Stone
Bryan	Gamble	Page	Sutherland
Burton	Jackson	Percy	Swanson
Chamberlain	Johnston, Ala.	Perkins	Thomas
Clapp	Jones	Pomerene	Thornton
Clark, Wyo.	Kenyon	Richardson	Townsend
Culberson	Kern	Root	Warren
Cullom	La Follette	Sheppard	Webb
Cummins	Lippitt	Simmons	Williams
Curtis	Lodge	Smith, Ariz.	

The PRESIDENT pro tempore. On the call of the roll 59 Senators have answered to their names. A quorum of the Senate is present.

Mr. GALLINGER. A quorum having been developed, I ask that the amendment be again stated.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 48, line 18, after the amendment already agreed to in that place, insert the following:

After January 1, 1914, no moneys appropriated in this bill for the purchase and maintenance of vehicles that are used in the District of Columbia other than automobile trucks shall be used for the purchase, maintenance, or use of any vehicles that are not drawn exclusively by mules.

The PRESIDENT pro tempore. The Senator from Kansas [Mr. BRISTOW] offers the amendment which has just been read, and the Senator from New Hampshire [Mr. GALLINGER] moves to lay the amendment on the table. Upon that question the yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

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

Mr. GALLINGER (when his name was called). I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. I do not see him in the Chamber, and I transfer my pair to the Senator from New Mexico [Mr. CATRON] and vote. I vote "yea."

Mr. RICHARDSON (when his name was called). I have a general pair with the junior Senator from South Carolina [Mr. SMITH]. I therefore withhold my vote.

Mr. SIMMONS (when his name was called). I am paired with the junior Senator from Minnesota [Mr. CLAPP].

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. If he were present, I would vote "yea." I withhold my vote.

Mr. WILLIAMS (when his name was called). I have a pair with the senior Senator from Pennsylvania [Mr. PENROSE], and I therefore withhold my vote.

The roll call was concluded.

Mr. GUGGENHEIM. I wish to inquire if the senior Senator from Kentucky [Mr. PAYNTER] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. GUGGENHEIM. I withhold my vote, as that Senator is absent.

Mr. DILLINGHAM. I observe that the senior Senator from South Carolina [Mr. TILLMAN] has not voted, and as I have a general pair with that Senator I withhold my vote. Were he present, I would vote "yea."

Mr. KERN. I inquire if the junior Senator from Kentucky [Mr. BRADLEY] has voted.

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

Mr. KERN. Having a general pair with the junior Senator from Kentucky, I withhold my vote.

The result was announced—yeas 35, nays 21, as follows:

YEAS—35.

Ashurst	Fletcher	Martine, N. J.	Stephenson
Bankhead	Foster	Myers	Sutherland
Bourne	Gallinger	Oliver	Swanson
Brandegee	Gamble	Percy	Thornton
Burnham	Jackson	Perkins	Townsend
Crane	Lippitt	Root	Warren
Culberson	Lodge	Smith, Ariz.	Webb
Cullom	McLean	Smith, Md.	Wetmore
du Pont	Martin, Va.	Smoot	

NAYS—21.

Bacon	Clarke, Ark.	Kern	Sheppard
Borah	Crawford	McCumber	Smith, Ga.
Bristow	Fall	Nelson	Thomas
Bryan	Johnston, Ala.	Overman	
Burton	Jones	Page	
Chamberlain	Kenyon	Pomerene	

NOT VOTING—39.

Bradley	Dillingham	Lea	Shively
Brady	Dixon	Massey	Simmons
Briggs	Gardner	Newlands	Smith, Mich.
Brown	Gore	O'Gorman	Smith, S. C.
Catron	Gronna	Owen	Stone
Chilton	Guggenheim	Paynter	Tillman
Clapp	Hitchcock	Penrose	Watson
Clark, Wyo.	Johnson, Me.	Poindexter	Williams
Cummins	Kavanaugh	Reed	Works
Curtis	La Follette	Richardson	

So Mr. BRISTOW's amendment was laid on the table.

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

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. Mr. President, I heretofore gave notice that I would call up the District of Columbia appropriation bill immediately after the bill which has just been passed was disposed

of; but the print of the District bill, I am informed, will not be delivered in the Senate Chamber for a few minutes. I understand the Senator from Minnesota [Mr. NELSON] is ready to proceed on the bill which was under discussion yesterday.

CONNECTICUT RIVER DAM.

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

Mr. NELSON. Mr. President, I propose for a few moments to express my views upon the bill now pending before the Senate, known as the Connecticut River bill. I do not intend to enter into an extensive or academic discussion of the subject. I propose briefly to state the character of the bill, the rights that it confers upon the Connecticut River Co., the rights of the Federal Government, and the property that the Federal Government has to lease or sell in this case.

The Connecticut River Co., the beneficiary of this bill, was incorporated many years ago by the State of Connecticut, originally as a navigation company. It built a canal, and for some time charged tolls. Afterwards the canal was abandoned and the company became essentially a water-power company. The locality in question is between Hartford and Holyoke, a reach of the river that, in its natural condition, as I understand, is not navigable except for logs, small boats, skiffs, and similar things.

It may seem, Mr. President, ungracious for me to oppose a bill of this kind, a local bill, as it were, in reference to conferring a right on a stream in the State of Connecticut; and were it not for one provision in the bill, the bill would meet with my hearty concurrence. All the provisions except one are satisfactory to me. There is, however, one provision in the bill which is objectionable; objectionable in itself, but most of all it is objectionable because it proposes to set an unwise and unjust precedent and is entirely in derogation of the rights of the State and the rights of the riparian owners.

As long ago as 1835, almost a century ago, the Supreme Court of the United States settled the question in whom is the title, ownership, and sovereignty of waters in a State. Is it in the State and the people of the State, or is it in the Federal Government? In a very early case arising in New Jersey the Supreme Court of the United States laid down the doctrine briefly, in the terms which I am about to read. After discussing the right of the Crown in the tidewaters of New Jersey and what rights were vested in the charter given to the Duke of York before he became King James, and discussing what rights the State of New Jersey inherited when it became independent of England, the court uses this clear and emphatic language:

> For when the Revolution took place the people of each State became themselves sovereign; and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

The watercourses, Mr. President, within the borders of a State are the absolute property of the people of that State, the riparian owners, and the State combined, and the Federal Government would have no interest in them whatever except for what we call the commerce clause of the Constitution. The commerce clause of the Constitution subrogates the rights of the State and the rights of the riparian owners to the rights of the Federal Government in respect to navigation, and nothing else. The Federal Government has no property, no interest, no right in any navigable stream except for purposes of navigation. Everything else in that stream is the property either of the people of the State or of the riparian owner, or both combined.

Mr. BURTON. Mr. President——

The PRESIDING OFFICER (Mr. OLIVER in the chair). Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. Certainly.

Mr. BURTON. Will the Senator from Minnesota please yield to me for a moment? I do not want to interrupt him, but only wish to ask from where he reads the case which he has cited?

Mr. NELSON. It is the case of Martin *v.* Waddell (16 Pet., 367). That case was afterwards followed by a case arising in Alabama, that of Pollard *v.* Hagan (3 How., 212), where the same doctrine was reiterated. The cases of Martin against Waddell and Pollard against Hagan, it is true, were tidewater cases, but in the case of Barney *v.* Keokuk (94 U. S., 324), an Iowa case, the Supreme Court uses this language:

> These cases—

Referring to the two cases I have quoted—

> related to tidewater, it is true, but they enunciate principles which are equally applicable to all navigable rivers.

In other words, the same principle that was laid down in the case of Martin against Waddell applies to the streams of this country.

In this country, Mr. President, when it comes to the question of riparian rights, the States may be grouped into two classes. In most of the mountain and mining States, the arid States, the doctrine of prior appropriation prevails in one form or another, perhaps in its most extreme form in Arizona, in Wyoming, and in Colorado, and in its most modified and diluted form—diluted by the common-law doctrine of riparian rights—in California. In all the other States of the Union the doctrine of riparian ownership, as defined by the principles of the common law, is the prevailing doctrine. It is true that in some of the States of New England—I think in Massachusetts and in Maine—the doctrine has been slightly modified.

I now desire to call the attention of the Senator from Ohio to a decision of the supreme court of his own State, which enunciated very clearly the doctrine as to the rights of riparian owners. I read from the case of Walker *v.* Board of Public Works (6 Ohio, 540, 1847). The court, after discussing the subject, used this language:

> In disposing of this subject it is well, in the first instance, to consider what are the respective rights of the public and riparian owners in the streams within our borders which are in fact navigable. The question is not new in this State. It has been repeatedly before this court, and the rule is this: He who owns the land on both banks of such river owns the entire river, subject only to the easement of navigation, and he who owns the land upon one bank only, owns to the middle of the main channel, subject to the same easement. The right of the public is merely the right to use the water within the channel for the purposes of navigation. The proprietor of the lands upon its banks may use the waters of the river in any way not inconsistent with the public easement—

That is, navigation—

> or of private rights—

That is, the superior rights acquired either by condemnation, purchase, or prescription—

> and neither the State nor any individual has the right to divert the water to his injury. The right of the adjacent proprietor to the water of the stream is an usufructory right, appurtenant to freehold, not an absolute property.
>
> Hence the State in its exercise of the right of eminent domain can subject the waters of such stream to other public uses the same as any other private property by making a just compensation for the injury, and not otherwise.

That means the State can authorize that right to be secured by condemnation proceedings in behalf of a superior public purpose. For instance, to illustrate: Water power is created, in the first instance, to operate a gristmill or a sawmill, and eventually a big town or city grows up in the neighborhood. The town or the city may need the water in that dam for domestic use to supply its inhabitants. That, under the circumstances, would be a superior public right, and the State could authorize the property of the water-power company to be condemned for that purpose, but it could not take it absolutely without compensation.

What right has the Federal Government in the Connecticut River? It has no other right than that pertaining to navigation. All other property in that stream of whatsoever character, under the decisions of the Supreme Court, belongs to the riparian owners there.

What is this case? Analyze it, and it amounts to this: That this company, being the riparian owners of the site where the dam is constructed, of the lands that would be subject to flowage in consequence of the construction of the dam, being the absolute owners, under the decision of the courts of that State, they are required to pay compensation to the Federal Government for the use of their own property. That is the effect of this bill; that is what it amounts to. It would establish a most dangerous principle.

Mr. BRANDEGEE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Connecticut?

Mr. NELSON. I qualify my statement to the extent that the riparian right, of course, is subject to the sovereignty and superior rights of the State.

Mr. BRANDEGEE. Will the Senator yield for a question?

Mr. NELSON. Certainly.

Mr. BRANDEGEE. The Senator knows, of course, that at this point in the reach of the river it is not navigable.

Mr. NELSON. It is not navigable?

Mr. BRANDEGEE. At this point there are rapids.

Mr. NELSON. Yes, sir.

Mr. BRANDEGEE. Does the Senator question the right of the United States, under the commerce clause of the Constitution, to require the company to maintain a lock in connection with the dam?

Mr. NELSON. No. I will come to that if the Senator will listen to me.

Mr. BRANDEGEE. I wanted to follow that up with another question.

Mr. NELSON. If the Senator will wait until I finish my argument, he can then ask me as many questions as he pleases.

Mr. BRANDEGEE. I do not want to interrupt the Senator if it is not agreeable to him.

Mr. NELSON. I am not objecting to interruptions. I am able to take care of myself, I think, in that respect; but I prefer to state what I have to state in a consecutive manner, so that one part will dovetail with another.

Mr. BRANDEGEE. The Senator does not desire to be interrupted at this point, then?

Mr. NELSON. If it is merely for a question, I will yield. State what is the question.

Mr. BRANDEGEE. The question is, if the Senator admitted the right of the United States to require a lock to be built there at the expense of half a million dollars, why by the same authority could not the Government require a money payment for the improvement of navigation in other respects?

Mr. NELSON. They have no right to require payment for the improvement of navigation in other respects. If an improvement is made in that part of the river, and for the ends of navigation a lock and gate are needed, the Government can require their installation; but when they go to work to compel that company to pay a royalty for the use of water, the money to be devoted not for that reach of the river, but for the river in general, they are perpetrating an act of injustice not warranted by the principles of our Government or by the Constitution.

Mr. BURTON. Mr. President, in that connection——

Mr. NELSON. Just listen until I finish my answer to the question. What right has the Federal Government to assess a private company that has constructed a dam with its own capital to furnish money for the improvement of the Connecticut River in general? If the Connecticut River needs improvement for the purposes of navigation, the fund to make that improvement should be contributed by all the people of the United States, as they are contributing from year to year under the river and harbor bill.

Mr. BURTON. Mr. President, will the Senator from Minnesota, right in this connection, yield to several questions?

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

Mr. NELSON. I yield to the Senator.

Mr. BURTON. First, the Senator concedes the right to make it a condition of the enjoyment of that dam there that the Government shall control the flow over the dam, does he not?

Mr. NELSON. I will tell the Senator what I concede. I concede this—and the Senator can apply it to suit himself—that if, without any act of Congress, a company should go to work and build a dam with locks and gates in the manner prescribed in this bill, they could do so without any legislation. The Government could not go into court and enjoin them from building that dam, unless it were shown to be an obstruction to navigation.

Mr. BURTON. Well, could not the Government in carrying out that plan of improvement prescribe a certain depth to be secured in the river?

Mr. NELSON. The Government can prescribe whatever may be needed for navigation.

Mr. BURTON. Well, suppose they want 12 feet, as is now the provision, can they not compel those who have this authority so to construct their works as that 12 feet may be secured?

Mr. NELSON. Certainly they can, if it is necessary for the purposes of navigation; but that is foreign to the question.

Mr. BURTON. I think it will appear that it is applicable. Can they not, in carrying out that purpose to have 12 feet, prescribe the quantity which must be released and flow over the dam?

Mr. NELSON. They can prescribe it to the extent that it is necessary for navigation, but for no other purpose.

Mr. BURTON. Well, for 12 feet?

Mr. NELSON. Yes; if that is necessary for navigation, but not for any other purpose.

Mr. BURTON. Oh, well, that, of course, is taken for granted. Suppose it should appear that that 12 feet could be provided either by allowing the total flow to go uninterrupted over the dam at all times, or, if the company desired to use all the water, by suspending the flow at some times and dredging below the dam. This bill provides that the flow over the dam shall be absolutely under the control of the Federal Government, so as to secure a depth of 12 feet. Now, suppose the company should, in dealing with the Government, say, "We should like to hold back the water at certain times," and the Government should say, "If that is the case, dredging must be done below to maintain and to secure the 12 feet, because you do not give the uninterrupted flow of water," could not the Government by just the same authority by which they require all the water to go over the dam also require that, if these parties suspend the flow, they shall pay the cost of dredging to secure exactly the same result?

Mr. NELSON. Not necessarily. It depends upon the purpose for which the Government should undertake to exercise the authority.

Mr. BURTON. It is for the purpose of navigation in most cases.

Mr. NELSON. Now let us look at the facts in the case. Here is a reach of the river that is not navigable. By the erection of this dam a pool for navigation purposes is created by the company, not by the Federal Government. The Federal Government has the right to say that in building that dam they must not build it or use it in any manner that will interfere with navigation. The Government has a right to prescribe, for the purposes of navigation, the size of the lock and the gates, and how they shall be operated; and it has a right to prescribe the manner in which the water shall be used for the purpose of navigation, but for no other purpose.

Mr. BURTON. I do not think the Senator from Minnesota understood my question.

Mr. NELSON. Well, the Senator knows that I hope to enlighten him on all points and not on one only.

Mr. BURTON. I always gain enlightenment from the Senator from Minnesota. Two things might happen: The Government might compel the overflow to go by at all times or a part of the flow might be suspended.

Mr. NELSON. No; it could not compel it unless it were necessary for the purposes of navigation.

Mr. BURTON. Of course that is taken for granted all the time.

Mr. NELSON. Does the Senator understand the law of hydraulics—that if a dam is erected and is once filled with water the flow of water then over the dam will be in the same quantity as it would in the state of nature? After the dam has been built the water will continue to flow over the dam.

Mr. BURTON. Barring evaporation and some little waste, that is true. The Senator from Minnesota, I think, has not fully understood my question. Two cases might arise—one a suspension of the total flow during low water; the other the requirement that the flow should at all times go by——

Mr. NELSON. Now, suppose there was a total suspension during low water, would you make the company pay for the act of God in suspending the rainfall and drying up the stream?

Mr. BURTON. The Senator from Minnesota does not yet understand my question. Suppose a certain depth of 12 feet were required and the company desired at certain times to hold back the natural flow. As a compensation for that could the Government not compel that company to pay the cost of dredging to put the stream in the shape in which it would be if it went by at all times?

Mr. NELSON. No; not in the case the Senator puts; because if no dam were constructed there would be no navigable channel at all.

Mr. BURTON. I think, if the Senator from Minnesota will reflect on that, he will find that it would be an absolute impossibility——

Mr. NELSON. I hope the Senator from Ohio will reflect on it. I was about to remark when the questions were asked me, or I started initially to make the statement, that there are two systems of riparian rights which prevail in this country—one the doctrine that prevails in the mountain, the arid, the semiarid, and the mining States, which is commonly called the doctrine of prior appropriation. In most of the States east of the Mississippi, with perhaps a little modification in some States—I think in one or two of the New England States, for instance—the doctrine of the common law prevails; that is, that the riparian owner owns to the center of the stream, subject to the public easement of navigation. For all other purposes that stream is his, but he can not use it under the common law to the detriment or the damage of the owners above or below. If there is a water power on his stream, if there is a water power on his land, he has a right to utilize that, and no one can make him pay for the use of that water.

In this case what is it proposed to do, Mr. President? It is proposed to have this company build a dam with its own money on a reach of the river where there never heretofore existed any navigation, where there is an obstruction, an impediment to navigation in the stream. The company are to build a dam costing, perhaps, one or two million dollars—I do not know how much—they are to put into the dam a lock and gates for

opening it; they are to furnish those locks and gates and convey them to the Federal Government and convey the electric power to the Federal Government to operate that dam.

In addition to erecting a dam, creating a pool of water, making a reach of the river in part navigable that never was navigable before—in addition to doing that, without any expense to the Federal Government whatsoever, the Government comes in by this bill and says, "You must pay for the use of that water over and above what is needed for navigation purposes." In other words, they must pay for using that water for other purposes. That is the plain English of it.

There is one thing—and we have no need to be modest in stating it—that seems to me passing strange. Men come here from Connecticut and other portions of the country to secure legislation; they go to the Secretary of War and confer with him about it, and he tells them what they can do and what they can not do. He assumes to be the chief high mogul in the determination of these matters. He tells them bluntly "Such and such conditions must be put in the bill, or you can not have this legislation." Until this practice arose I always supposed that Congress, Mr. President, had the right to determine the policy of the Government in these cases, and that it did not appertain to any department of this Government to tell people what kind of legislation they ought to have or could get. It is for both Houses of Congress to determine that question, and not for the Secretary of War.

There is another thing—and we might as well talk plainly in this matter—the President of the United States when he was Secretary of War, and it so appears in this report published for the use of the committee, took exactly the same ground we are taking in this case. I know from my own knowledge that that was his position; but, unfortunately, he has a Secretary of War who belongs to one of the ultraconservation schools, who are seeking to fasten upon us this new doctrine, and to sweeten it and make it palatable they have changed front. Originally the royalty was to be paid into the Treasury generally; but now the sweetening, to make this plan palatable, is that the royalty which we exact must go to pay for other improvements on this river. What an injustice that is—to segregate this company from all the other citizens of Connecticut and from all the other people of the United States, and say: "Because you build a dam over the rapids in the Connecticut River in a reach of the river that is not navigable, because you have the audacity with your own capital to make a pool for navigation, because you have the audacity and the nerve and the capital to do that, you must pay a penalty; you must furnish money to improve all the rest of the Connecticut River."

What a monstrous doctrine that is, Mr. President! What has the Federal Government to sell here? What has the Federal Government to lease? It has no interest at all in the use of the water except for purposes of navigation. The Government of the United States is not in the habit of charging tolls for the use of its watercourses, its streams, and its navigable harbors. They are free to all the people of the United States.

In this case the Government of the United States does not undertake to charge any tolls for navigation purposes; but it undertakes to impose a charge upon these people who are investing their own capital and are making a reach of the river that is now worthless for navigation purposes in part of value for navigation purposes.

The principle is the same in the one case as in the other, Mr. President. In the one case the royalty was to be paid into the general fund of the Treasury. In this case it is limited to the improvement of one stream and its tributaries.

There is a different doctrine prevailing in reference to another class of dams. Where the Federal Government, for the purposes and in the interest of navigation, erects a dam in a river entirely with money appropriated by it, and incidentally to that improvement for purposes of navigation the Federal Government creates a water power in connection with it, that water power should not be left idle, without use; and inasmuch as the power has been created by the Government for purposes of navigation, the Government has a right to charge a reasonable compensation for it.

There is where I draw the distinction, and I think it is justifiable in fact and in law. Where the Government of the United States with its own capital, without any outside help, secures the riparian lands, the site of the dam, the flowage rights, and with its own money builds the dam, it is entitled to all that there is in it. In that case the Government is not only using its own money, but it is the riparian owner; for the Government never erects a dam or improves navigation by means of a dam without securing the riparian lands necessary for the site of the dam and the flowage rights.

So the Federal Government is exactly in the same position that the Connecticut River Co. is in respect to its riparian lands. If the Federal Government is a riparian owner, and builds a dam with its own money, why should not the Federal Government in that case pay a royalty to the State of Connecticut for improving the Connecticut River down in the State of Rhode Island or up in the State of Massachusetts?

Mr. President, it is because the principle laid down in this bill is so far-reaching in its consequences that I am opposed to this paragraph of the bill. I am quite willing that this company should have this right. They are entitled to it as riparian owners. The Government has no interest in the water except for purposes of navigation. I am willing that the company should have that right, and make the best use of it they can. If it yields them an income on the capital they have to invest, let them have it; but let us not levy tribute upon it.

We have now secured the adoption of an income-tax amendment to the Constitution. If we must levy tribute on the people of this State for governmental purposes, let us levy the tribute on all alike by tariff taxes, by internal-revenue taxes, and by income taxes. Let us not segregate a private company that is the riparian owner, that owns the site of the dam, that owns the lands to be flowed, that puts only its own money into the enterprise. Let us not penalize such companies and make them pay the Government for something that the Government does not own.

Here is an attempt on the part of the Government to require compensation for something that the Government does not own. To my mind, it is abhorrent to the principles of our Government, to our dual system of government, and abhorrent to the fundamental principles of right and justice.

I hope this provision will be stricken out of the bill, and that it will be passed without it.

As I said a moment ago, in every case that I have had under consideration or that has come before the committee of which I am a member, where the Government with its own money and as the riparian owner has constructed a dam in a watercourse for purposes of navigation, I have always believed, and that is my belief now, that the Government is entitled to compensation as the owner of the surplus power incidentally created by means of the construction of the dam. But where a dam is constructed wholly by private capital upon the lands of the riparian owner, and the Government does not advance a dollar of its own money, and nothing is done to hinder navigation, but on the contrary, navigation is improved, in that case the Government has no right to sell and has no moral or legal right to charge any compensation.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. CURTIS. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes.

Mr. KENYON. Mr. President, as I understand, this bill has been put on our desks within the past 20 minutes. I know that I would like an opportunity to go through the bill, and I think other Senators would.

Mr. CURTIS. I will say to the Senator that I am sure that if he will watch the reading of the bill he will be satisfied with the amendments that have been made. The bill was very carefully considered, and in no case has the estimate of the department been exceeded. In fact, the bill as reported carries a less amount than the estimates, and in every way the bill has been carefully considered. I am confident the Senator will have no objection, and I hope he will consent that we shall take it up now, without any further delay, because these bills must be passed.

Mr. KENYON. Mr. President, here is a bill carrying some eleven or twelve million dollars——

Mr. CURTIS. Eleven million dollars.

Mr. KENYON. With no opportunity at all for Senators to investigate it. I do not believe such legislation should be hurried in this manner.

Mr. CURTIS. I will state further that if, in reading the bill, there is any objection to any item in it, as chairman of the subcommittee having charge of it I shall consent that the item go over.

Mr. KENYON. There is no chance, of course, to discover that. If it is in order to make an objection, I am going to make an objection.

Mr. CURTIS. I move that the Senate proceed to consider the bill.

The PRESIDING OFFICER. The Senator from Kansas [Mr. CURTIS] moves that the Senate proceed to the consideration of the bill notwithstanding the objection.

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

The PRESIDING OFFICER. The Senator from Iowa 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	Curtis	McCumber	Smith, Mich.
Bacon	Dillingham	McLean	Smoot.
Bankhead	du Pont	Martine, N. J.	Sutherland
Borah	Fall	Nelson	Thomas
Bourne	Fletcher	Oliver	Thornton
Bradley	Gallinger	Page	Townsend
Brandegee	Gamble	Perkins	Warren
Bristow	Jackson	Pomerene	Webb
Burton	Johnson, Me.	Richardson	Williams
Clark, Wyo.	Johnston, Ala.	Sheppard	Works.
Clarke, Ark.	Jones	Simmons	
Crawford	Kenyon	Smith, Ariz.	
Cullom	Kern	Smith, Md.	

The PRESIDING OFFICER. Forty-nine Senators have answered to their names. A quorum of the Senate is present. The Senator from Kansas [Mr. CURTIS] moves that the Senate proceed to the consideration of the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, notwithstanding the objection of the Senator from Iowa [Mr. KENYON].

Mr. KENYON. Mr. President, I desire to make a point of order.

The PRESIDING OFFICER. The Senator will state his point of order.

Mr. KENYON. It is that under Rule XXVI the report of a committee, which is practically what this is, must lie over one day for consideration, unless by unanimous consent. That is the provision of part 2 of Rule XXVI.

Mr. CURTIS. Mr. President, that would have been true had the objection been made before the motion was made to take up the bill. The Senator did not make that point then, and I think it now comes too late. I will confess that, if it had been made at first, the measure would have had to go over for the day.

The PRESIDING OFFICER. The present occupant of the chair is of the opinion that the point of order is well taken.

Mr. CURTIS. Then, Mr. President, I give notice that I shall call up the bill at the first opportunity on Monday next.

Mr. McCUMBER obtained the floor.

Mr. WARREN. Will the Senator yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Wyoming?

Mr. McCUMBER. Yes.

Mr. WARREN. Of course, I do not know what the objection is to the bill. I assume, perhaps, the Senator wishes to look it over further. But I want to say that we shall have to ask Senators, as far as they can, to forbear asking extra time, because there are only a few days of the session left, and not a single appropriation bill, save the smallest of the lot, has passed. For instance, in this case, while it is true that this is the same day the bill was reported, there are so few changes that it was assumed that its consideration would be unanimously agreed to.

To-morrow is set aside for memorial exercises. On Monday we have notice of the river and harbor bill and the Indian appropriation bill; and if we add this to the others, of course it will more than use the day. Either the rule that the Senator has invoked would have to be abrogated, or we would have to let appropriation bills run over, when we were approaching the end of a session.

Mr. KENYON. I do not want to be captious about my objection; but this bill was placed on my desk about 20 minutes ago, and it carries a large appropriation. For my part, I should like to have an opportunity to go through the bill.

Mr. WARREN. The matter having been settled, I simply wanted to appeal to the Senate to try to help the various committees that have the appropriation bills in charge, for never in my experience here have we had so many unfinished appropriation bills so late in the session, and I fear that we may have to let some of them go over.

Mr. SMOOT. Mr. President, the Senator from Kansas [Mr. CURTIS], who has the bill in charge, also stated that if there was a single objection made during the reading of the bill he would lay it over until the following day. Of course that would protect anybody who desired to consider the bill further, under the statement made by the Senator.

INDIAN APPROPRIATION BILL.

Mr. McCUMBER. Mr. President, I wish to give notice at this time of a motion to recommit to the committee House bill 26874—the Indian appropriation bill—because of the fact that it is reported without an amendment which was adopted by the committee, and I desire to have it returned to the committee in order that it may be corrected in that respect. I shall not press the motion at this time, because the chairman of the committee is not present in the Chamber.

Mr. SMOOT. Mr. President, I will ask the Senator if it would not answer just as well to have the amendment offered on the floor as a committee amendment, and not take the time that would be necessary to refer the bill back to the committee?

Mr. McCUMBER. I do not think it will take much time to reconsider the matter.

Mr. SMOOT. The bill would have to lie over for a day before we could consider it; and if the chairman of the committee will offer the amendment it will save the return of the bill to the committee.

Mr. McCUMBER. I have no objection; but there is an amendment which the record will show was adopted by a vote of 4 to 3, and the bill was reported with that amendment out of it.

Mr. GAMBLE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. I do.

Mr. GAMBLE. I reported the bill referred to on the 12th of February, with all amendments adopted by the committee, and at that time gave notice that later I should submit a report in connection with the bill. I think I shall be able to submit the report before the recess to-day. I am not advised as to what particular amendment the Senator from North Dakota refers to. I shall be glad to be advised.

Mr. McCUMBER. I will call the Senator's attention to it now. I have looked up the stenographic report to see if I was absolutely correct. I find that the loyal Creek claim was placed upon the bill by a vote of 4 to 3; that afterwards, when I was not present, the matter was considered, and without any further vote on the matter it was left out. It having been voted into the bill, I shall ask that the bill be returned to the committee, and I shall appeal to the record for the basis of that motion, for the purpose of having the item placed in the bill as an amendment.

Mr. GAMBLE. Mr. President, perhaps the matter can be more appropriately taken up when the motion is made. The amendment to which the Senator from North Dakota refers was brought up before the committee; and while I do not want to state unduly what occurred before the committee, I will say that the Senator from Kansas [Mr. CURTIS] took a position against the amendment. The discussion was somewhat protracted. Other business intervened, and the Senator from Kansas was called to the floor of the Senate. The matter was submitted after the hearing, but it was suggested at the time before the committee that as the Senator from Kansas had taken a position in opposition to it, his vote should be counted in the negative. It was not determined at that time. The matter was finally determined later in the afternoon, when the vote stood 4 to 4, and the motion did not prevail. The Senator from Kansas was present, and indicated his opposition to the amendment.

I am satisfied that the accuracy of the statements I make can be demonstrated to the Senate from the record, because I have taken pains to go through the matter carefully, for the reason that the Senator from North Dakota spoke to me concerning it.

Mr. McCUMBER. If the Senator will give me a copy of the corrected print of the record at that time, I shall have very little difficulty in establishing to the Senator's own mind that his view is erroneous as to what took place in the committee. If the Senator desires to go into the matter, the facts were about like this:

A motion was made by myself to include the loyal Creek claim in the Indian appropriation bill. A vote was had upon that, and the vote was 4 in favor of and 3 against placing it upon the bill. It was suggested at that time that the Senator from Kansas [Mr. CURTIS], who was absent, would, if present, vote against it. I then made the suggestion that there were other Senators who possibly might overcome his vote by voting for it. Thereupon I also suggested that the Senator had already given notice that he would raise a point of order on the amendment upon the floor of the Senate, and that he would have the opportunity to do that, so that his rights would be protected in any event. Later in the afternoon, when I was absent, the matter was again taken up, but no further vote was had upon the proposition nor was it put a second time.

I simply stand upon the right to have an amendment which has been carried in the committee placed in the report of the committee and upon the bill.

Mr. BRANDEGEE. Mr. President, I rise to a point of order.

The PRESIDING OFFICER. The Senator from Connecticut will state his point of order.

Mr. BRANDEGEE. I exceedingly dislike to interfere in the interesting discussion which is taking place, but I should like to make a parliamentary inquiry as to what is the pending matter before the Senate.

The PRESIDING OFFICER. The pending matter before the Senate is Senate bill 8033, known as the Connecticut River dam bill.

Mr. BRANDEGEE. Then I suggest that the pending controversy is not particularly germane to the pending measure.

Mr. GAMBLE. Mr. President, will the Senator from Connecticut permit me to say just a word?

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from South Dakota?

Mr. BRANDEGEE. I yield to the Senator.

Mr. GAMBLE. I want to say to the Senator from North Dakota that the matter was submitted subsequently to the statement to which he refers. The Senator from Kansas [Mr. CURTIS] was there and indicated his opposition to the measure, and it was stated before the committee that the motion did not prevail. So if it is referred back to the committee there will be a protracted delay. As it is now, we will be ready to take up the matter before the Senate on the first day of next week, and then the Senator from North Dakota can submit his amendment to the Senate.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from North Dakota?

Mr. BRANDEGEE. I yield.

Mr. McCUMBER. My opinion is that it will delay the matter very much longer if this case does not receive just treatment in the committee than it would if it should go back and the case should be tried out in the committee.

Mr. GAMBLE. We appreciate the fact that nearly the whole afternoon was given to the consideration of the proposed amendment. The measure which was advocated by the Senator from North Dakota had the fullest consideration of any measure submitted to the committee during the present session.

Mr. McCUMBER. Yes; and it was carried, too.

CONNECTICUT RIVER DAM.

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

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole, and open to amendment.

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

The PRESIDING OFFICER. The Senator from Alabama 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	Dillingham	Lodge	Simmons
Bacon	du Pont	McCumber	Smith, Ariz.
Bankhead	Fall	McLean	Smoot
Borah	Fletcher	Martine, N. J.	Sutherland
Bourne	Gallinger	Nelson	Thomas
Brandegee	Gamble	Oliver	Thornton
Bristow	Jackson	Page	Warren
Burton	Johnston, Ala.	Perkins	Webb
Clark, Wyo.	Jones	Richardson	Wetmore
Cullom	Kenyon	Root	Williams
Curtis	Kern	Sheppard	Works

The PRESIDING OFFICER. Forty-four Senators have answered to their names—not a quorum.

Mr. BRANDEGEE. I suggest that the names of the absentees be called.

The PRESIDING OFFICER. The Secretary will call the names of the absent Senators.

The Secretary called the names of the absent Senators, and Mr. NEWLANDS, Mr. SMITH of Georgia, Mr. SMITH of Maryland, Mr. SMITH of Michigan, and Mr. TOWNSEND answered to their names when called.

Mr. BURNHAM, Mr. CHAMBERLAIN, Mr. BRADY, Mr. GRONNA, Mr. GARDNER, Mr. GUGGENHEIM, Mr. MYERS, and Mr. FOSTER entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-seven Senators have answered to their names. A quorum of the Senate is present.

Mr. BRANDEGEE. What is the pending amendment?

The PRESIDING OFFICER. There is no pending amendment.

Mr. BRANDEGEE. No amendment is pending?

The PRESIDING OFFICER. No amendment.

Mr. BRANDEGEE. Then I ask for a vote on the bill.

Mr. BANKHEAD rose.

Mr. BORAH. Mr. President——

Mr. BANKHEAD. I yield to the Senator from Idaho.

Mr. BORAH. There is an amendment which I offered and it is on the Secretary's desk. I offer the amendment.

The PRESIDING OFFICER. The Senator from Idaho offers an amendment, which will be read. The Senator from Idaho has offered two amendments.

Mr. BORAH. It is the amendment with reference to interstate commerce.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. Strike out all after the word "further," in line 19, page 2, including the word "charges," in line 8, page 3, and insert in lieu thereof the following:

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

Mr. BORAH. Mr. President, the effect of this amendment, if it should be adopted, would be to strike out that portion of the original bill covered by line 19, on page 2, to line 8, on page 3, which relates to the power of the Secretary of War to impose reasonable charges, and so forth, and to insert in lieu thereof this amendment, which provides for the fixing of rates through and by means of the Interstate Commerce Commission.

I discussed the matter at some length yesterday, and therefore I do not desire to do more than to call the attention of the Senate to the nature of the amendment.

Mr. NELSON. I understand the amendment proposes to strike out all after line 18, on page 2, down to the end of the section, in line 8.

Mr. BORAH. And to insert in lieu thereof as an amendment a provision that the Interstate Commerce Commission shall have jurisdiction to fix the charges of companies transmitting power across State lines.

Mr. BURTON. Will the Senator from Idaho please answer a question? Do I understand that his proposed amendment seeks to establish a general principle, or is it applicable only to this bill?

Mr. BORAH. It would apply to all power of companies transmitting hydroelectric power across State lines.

Mr. BURTON. It is then establishing a general principle.

Mr. President, I am really gratified to note that the Senator from Idaho takes that ground. It is inevitable that with the development of this industry its interstate phase will become so manifest that there must be Federal control either by the Interstate Commerce Commission or by some other agency of the Federal Government; but I do not think we ought to take up that question here. This is a local bill. This amendment would establish a universal rule. I do not think we are quite ready to take such a step. For a considerable time the States can make adequate regulations relating to charges, secure consumers against extortion and the public against monopoly. I repeat, however, I am satisfied that the ultimate disposition of this question will be that in the case of power transmitted from the place where the water is harnessed and the installation is made into another State some Federal agency must control.

Mr. President, there is another reason why I hope this amendment will not be adopted. It is open to the suspicion that it is intended to accomplish the defeat of this bill.

Mr. BORAH. I should like to relieve the Senator's suspicion as much as I can by saying that I know one more vote that the bill will get in case the amendment is adopted.

Mr. BURTON. But the Senator from Idaho proposes to strike out the provision under which a certain charge is to be made for this water power, which is a vital part of the bill, and establish in place of that provision a rule with reference to the methods under which charges for power are to be made.

Mr. BORAH. The purpose of the amendment is to provide a means by which the ultimate consumers of the power can get the benefit of the power without carrying the burden which would be imposed upon them by reason of the provision which is now in the bill.

Mr. BURTON. I wish to discuss that question. Why does not the Senator from Idaho introduce this as a separate amendment, not in place of any clause in the bill, but as an entirely separate proposition? If he wishes to enunciate that principle, there is an easy way to do it. I do not believe in its being put

into this local bill, but if it must be added there is an easy way to do it by adding it as an amendment to another section of the bill instead of striking out a part of it.

Mr. BORAH. I will be as frank with the Senator from Ohio as he is with the Senate in giving the construction of it. I offered it in this way because I am opposed to this provision in the bill. I have made no concealment of the fact that I would dislike very much to vote for the bill with that provision in it. But if it should transpire that this amendment is defeated as it is offered, I shall offer it as a separate provision of the bill.

Mr. BURTON. The argument of the Senator from Idaho is that as a result of this proposed charge the cost will be increased to the consumer. I wish to state some facts in that connection. It is, of course, a general rule that wherever you increase the cost to the producer the consumer must bear a part of that increase in the price which he must pay for the service or commodity. But in the great majority of instances in this country the cost for water power must be determined by competitive conditions. What are those conditions? A part of our electrical power is produced by the agency of coal and a part by that of falling water. Practically speaking, these are the only primary sources of power on a large scale.

At present the larger share of the power is produced by the burning of coal. Electrical power can be produced, in some instances, by hydroelectric installation for $16 or less per horsepower per year, 24-hour service. The cost where coal is burned is not less than $28. Suppose you have an industrial center in which the consumption of power is 500,000 horsepower per annum, 400,000 furnished by steam and 100,000 by water. That proportion does not present an unusual case. The figures may be incorrect, but the proportion is substantially accurate. With 500,000 horsepower required, 400,000 of it to be furnished by the burning of coal and 100,000 by water, we will assume that the one will cost the producer $16, the other $28. Now, what is going to be the result? Suppose you have a public-service commission that is to fix the rate. Is the commission going to say that one class of power, which brings exactly the same result and is of the same efficiency and value, shall be furnished on a cost basis of $16, and that the other may be sold on a cost basis of $28?

No, Mr. President, in the very first instance the complaint would come from the consumer. The consumer would say, "I am paying $12 per horsepower more for the power I use than my neighbor across the street, who is engaged in the same class of manufacturing. That difference is enough to drive me out of business." The result would be that a uniform price would be fixed, consistent with all the conditions. Now, what are you going to do in such a case as that? The producer who generates his current by water power has a very large profit.

Mr. BORAH. Mr. President——

Mr. BURTON. I would be glad to yield to the Senator from Idaho.

Mr. BORAH. Suppose this condition of affairs——

Mr. CLARKE of Arkansas. May I disturb the Senator from Idaho sufficiently to ask that the pending amendment be reported? It would enable some of us to understand better the discussion that is going on. Some of us were not in the Chamber when the amendment was submitted. I ask that it be read to the Senate.

The PRESIDING OFFICER. The amendment will be again read.

The Secretary again read Mr. BORAH's amendment.

Mr. BANKHEAD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. BANKHEAD. I believe under the rules and practice of the Senate the committee reporting the bill are entitled to perfect the bill, if they have amendments to offer, before other amendments are considered. Am I correct?

The PRESIDING OFFICER. The Chair will state that that has been the custom so far as the Chair is informed. There is no rule on the subject.

Mr. BANKHEAD. That has been the custom, Mr. President.

The PRESIDING OFFICER. So the Chair understands.

Mr. BANKHEAD. There is an amendment pending offered by a majority of the committee. I offered that amendment in the beginning of this discussion and had it read from the desk with a view that it might be pending when the time came to act upon it.

The PRESIDING OFFICER. When the bill was taken up a few minutes ago the Chair was informed by the clerks at the desk that no amendment was then pending. Thereupon the amendment was offered by the Senator from Idaho.

Mr. BANKHEAD. Evidently the clerks were mistaken, because the RECORD will show that I offered the amendment and had it read from the desk.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Will the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. I yield to the Senator from Minnesota. I believe I already yielded to the Senator from Idaho, but if there in entire concurrence between them I should be glad to yield to the Senator from Minnesota.

Mr. NELSON. I suggest to the Senator from Alabama and the Senator from Idaho to let us have a vote first on the motion to strike out these lines.

Mr. BANKHEAD. That is what I propose.

Mr. NELSON. Then the Senator from Idaho can afterwards offer his amendment, if that is agreeable to the Senator.

Mr. BORAH. That is entirely agreeable. I offered my amendment because no one else was offering anything. I do not desire to interfere with the committee's action.

The PRESIDING OFFICER. The Chair will state, if the Senator having the floor will allow him, that the bill as reported by the committee contains no amendment. There are no italics in the bill, and therefore there were no committee amendments proposed.

Mr. BANKHEAD. I do not know whether the Secretary remembers reading it or not, but the Senate will remember that when I took the floor I sent an amendment typewritten to the desk and asked to have it read. It appears in the RECORD as having been read from the Clerk's desk. It must have gone there.

The PRESIDING OFFICER. The RECORD shows that it is an amendment intended to be offered by the Senator from Alabama.

Mr. BANKHEAD. At the same time I suggested that under the practice of the Senate the majority of the committee would be entitled to perfect the bill before other amendments were considered.

The PRESIDING OFFICER. The Chair is compelled to rule that the amendment of the Senator from Idaho having been offered and placed before the Senate, it is the pending amendment.

Mr. BORAH. By the consent of the Senate, I will withdraw the amendment. I withdraw the amendment, then, and give the Senator from Alabama an opportunity to do what he desires to do.

The PRESIDING OFFICER. In that case, the amendment of the Senator from Alabama is in order and will be read.

The SECRETARY. Strike out of section 1, beginning after the word "act," in line 15, on page 2, the following:

And provided further, That the rights and privileges hereby granted may be assigned with the written authorization of the Secretary of War or in pursuance of the decree of a court of competent jurisdiction, but not otherwise: *And provided further*, That the Secretary of War, as a part of the conditions and stipulations referred to in said act, may, in his discretion, impose a reasonable annual charge or return, to be paid by the said corporation or its assigns to the United States, the proceeds thereof to be used for the development of navigation on the Connecticut River and the waters connected therewith. In fixing such charge, if any, the Secretary of War shall take into consideration the existing rights and property of said corporation and the amounts spent and required to be spent by it in improving the navigation of said river, and no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance and renewal, and for depreciation charges.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama having offered the amendment to the bill, will that Senator yield to the Senator from Idaho?

Mr. BANKHEAD. I have no desire to occupy the floor at this time; I simply wanted to get this amendment before the Senate.

Mr. BURTON. I should like to finish at least a part of my remarks.

Mr. BANKHEAD. I would be glad to hear the Senator from Ohio.

Mr. BURTON. Do I understand that the Senator from Alabama desires to speak to that amendment?

Mr. BANKHEAD. I will determine that when I hear from the Senator from Ohio.

The PRESIDING OFFICER. The Chair had overlooked the fact that the Senator from Ohio is entitled to the floor.

Mr. BORAH. I wish the Senator from Alabama would consider the proposition of amending his amendment. So far as I am concerned I do not want to interfere with taking out the first proviso. The first provision is:

And provided further, That the rights and privileges hereby granted may be assigned with the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction, but not otherwise.

It seems to me that that ought to remain in the bill. I should very much prefer to have the amendment submitted simply striking out the second proviso.

Mr. BANKHEAD. As far as I am concerned I am perfectly willing that that proviso shall remain in the bill, and with the consent of the Senate I would be willing to withdraw that part of my amendment.

Mr. BORAH. Very well.

Mr. BANKHEAD. That is not the part of the bill I am after. I have no objection to that part. I have no objection to all the supervision of that sort of business that can properly be had.

Mr. JONES. I wish to suggest to the Senator from Alabama that he can modify his amendment and simply strike out the last proviso.

Mr. CLARKE of Arkansas. In line 19.

Mr. MARTIN of Virginia. He can modify the amendment.

Mr. BANKHEAD. I want to get the thing straight before the Senate. I am willing that the first proviso contained in the amendment shall remain in the bill. Therefore, would it not be competent for the Senate to give its consent, if it will, that the amendment may be so amended?

Mr. MARTIN of Virginia. You can not do it without consent.

Mr. BANKHEAD. Then, Mr. President, if I have the right, as the mover of the amendment, I will withdraw that part of the amendment included in the first proviso and leave the other portion of the amendment before the Senate.

The PRESIDING OFFICER. Without objection, the Senator from Alabama withdraws that part of the amendment which will be read.

The SECRETARY. The proviso reads:

And provided further, That the rights and privileges hereby granted may be assigned with the written authorization of the Secretary of War, or in pursuance of the decree of a court of competent jurisdiction, but not otherwise.

Mr. BANKHEAD. That part of the amendment is withdrawn, Mr. President.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Alabama, as modified, which is to strike out all of that section after the word "further," in line 19, on page 2.

Mr. NELSON. All of the section after line 18.

Mr. BURTON. Mr. President, it appears from the circumstances under which electric power is furnished that the ordinary rule—that the extra cost resulting from such a charge would fall on the consumer—does not apply at least in most parts of the country, and it is probable that such a condition will continue for a very long time. It is perfectly well known that there is no business in which the chances for profit are greater than in the development of hydroelectric power. That is shown by the number of promoters who have been crowding to this Congress for the last 12 years. The anxiety with which these privileges are sought should awaken our attention. If there is any one thing in which we should safeguard the public interest, it is in placing proper restrictions upon these grants of the right to construct dams in navigable streams to develop power. If there is any problem which assumes magnitude not only in present but promises far greater importance in the future, it is the control of the hydroelectric business.

What is the object of this provision? In such cases as that which I have named, where power is selling on a cost basis of $28 per horsepower, and it can be profitably produced for $16, the difficulty prevails of equalizing charges. My contention is that a proper portion of the difference between the cost of production by steam and by water power, enjoyed under grant of Congress, should go to the Government of the United States for the improvement of the stream in which such dam is located.

There have been long arguments here to the effect that it is all right to allow a company to acquire land and put in a dam; it is all right that Congress should require the building of a lock, though that has nothing whatever to do with the development of power; it is all right that you should require that the light and power should be furnished to the end of time for the operation of that lock, but you can not impose a charge expressed in dollars.

Mr. President, if there has been an absurdity presented to the Senate for some time, it is the attempt to draw the dividing line between these conditions and the imposition of a charge. The moment you seek to distinguish between them you find yourself in the fog. Both alike are based on the power to impose conditions in the interest of navigation. Let me give a very few simple illustrations, based on this very bill here:

SEC. 2. That the height to which said dam may be raised and maintained shall not be less than 39 feet above zero on the Hartford gauge.

The project of the Government is to secure 12 feet from Hartford for 52 miles to the sea. Suppose the engineers of the company seeking permission to build the dam on examination should find that it would be more economical, so far as the development of power is concerned, to construct that dam to a height of 35 instead of 39 feet, and the officers of the company should say to the officials of the Government: "You are asking us to make that dam 39 feet, but we can more profitably construct it to a height of 35 feet," and the Government engineers should find that if the height is only 35 feet it would be necessary to do a considerable amount of dredging to deepen the channel below, and that it would also be necessary to continue that dredging each year at considerable cost; is there anybody who would go to the absurd length of saying that the Government could not in its contract with the corporation consent that the dam be diminished in height to 35 feet, but the condition be added that money enough be paid to maintain that 12-foot channel? That is, a 12-foot channel would be maintained by 39 feet, but the company may desire a height of 35 feet; and in order to maintain the 12-foot channel with a 35-foot dam, it would be necessary to incure expense each year. Is there anyone who would say that there could not be claimed from that corporation money year by year sufficient to maintain that depth?

Let us take another case. There is a provision here that the corporation shall "provide a minimum discharge past the dam of not less than 1,000 cubic feet per second." Suppose the company should say: "It is much more profitable for us to allow only 800 feet to go past the dam." In that case there would be an added expense below the dam for dredging and for maintenance. Would it be maintained that in such a case as that there could not be an annual charge imposed thereafter for the maintenance of the dredging below?

Still further, there is one great central fact. This river is an entirety. Navigation, in order to exist at all with profit, must be maintained both above and below this proposed improvement. The proposed improvement alone does not make the Connecticut River navigable from Holyoke to the mouth. That is but one part, one specific locality, a few miles of the whole stream, and the Government can, with the utmost propriety, not only impose the condition that you shall build a dam and lock and furnish power, but that you shall also aid in effectuating this improvement of which your dam is a part, to wit, the navigation of the river.

Mr. BANKHEAD. Mr. President——

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

Mr. BURTON. Yes.

Mr. BANKHEAD. I should like to ask the Senator from Ohio if he thinks the question that he is discussing, the regulation of the flow and all that sort of business, has any relation whatever to the provision that we are trying to strike out, which simply authorizes the Government to charge a toll for the use of the water?

Mr. BURTON. It does have a most direct relation.

Mr. BANKHEAD. All the provisions that the Senator is discussing will remain in the bill. They will not be affected at all.

Mr. BURTON. Yes; but you were stating that it was utterly improper to put on an annual charge, and here I have suggested instances in which it would not only be absolutely proper but necessary.

Mr. BANKHEAD. I understand that; but what I wanted the Senator to show was that the phase of this question which he is discussing is applicable to this amendment.

Mr. BURTON. It is, decidedly. The dam and the dredging would be part of the navigation of the same river; it includes not merely a few mills from Enfield Rapids but throughout the whole length of the river.

Mr. BANKHEAD. Of course, it is a part of the same river; but when that language goes out of this bill it will not be a part of the bill. The language which we propose to strike out has no reference whatever to the question that the Senator from Ohio is discussing.

Mr. BURTON. I do not wish, Mr. President, to go over my argument in regard to rights in this water. Of course, the rule is, as laid down by the supreme court of my own State in 6 Ohio, at page 540, and in Barney against Keokuk; but what did the court rule, for instance, in Barney against Keokuk? Below the point to which the abutting owner on the Mississippi owned, the city of Keokuk put in a wharf for public use, and the abutting owner, who owned to the water line, said, "No; you can not do that. So far as there is any occupancy, I go clear out to the middle of the stream, and you can not put in that public wharf right in front of my property without paying me." The Supreme Court of the United States decided that any occupancy of the river bed below high-water mark was for public use and that the owner was not entitled to an iota of compensation.

The Senator from Minnesota [Mr. NELSON] said that this whole case was settled by a decision of the Supreme Court in relation to land under water in New Jersey. In my prior argument I referred to a case where the Government of the United States authorized a private corporation to build a bridge across from the mainland in New Jersey to Staten Island. In the building of that bridge it was necessary to place piers in the bed of that stream, which, as the Senator has argued, belonged to the King, and later to the State of New Jersey. The State of New Jersey came in and said, "We are entitled to compensation; that is our land." This was a private corporation, not the Government of the United States; but in the circuit court Justice Bradley, of the Supreme Court—and his opinion has been quoted with approval by the Supreme Court—said: "You do not own that land except for the public. This locating of a pier there, though by a railroad company, is by a corporation which is seeking to promote interstate commerce, and it has a right, in carrying out that public purpose, to locate that pier in the bed of that stream without asking your leave under the consent that it has from the Government of the United States."

The rights of the abutting owner are very well defined in all the textbooks. He has not any property in the water except the right to utilize its flow. I do not want to go into that branch of the subject again, Mr. President, as I entered into it quite fully in my previous argument.

Mr. President, we must not look at this question from any strict or technical interpretation of the Constitution. That is out of place in this present-day civilization, when the loudest demand of the time is for the greatest degree of efficiency and the greatest regard for the public welfare, when technical private rights must yield to the public good.

But there is no right which is confiscated under this bill. The abutting owner is the licensee. If he does not own all the flowage right, he must acquire it by purchase. The bed of the stream—how about that? There is a certain qualified ownership in the State of Connecticut, but that is in trust for public use. The paramount and supreme right is that of navigation, and of that the Government has absolute control. The Government can either act itself or it can authorize some one else to act. In either case, whether it is done directly by the Government or done through a private corporation, conditions may be imposed, always provided they do not violate fundamental principles of law. It is expected also that the legislature will impose conditions for the public good.

We have been incurring great expense in the improvement of the Connecticut River. Is it not proper and fair that a part of that expense should be met from this exceedingly valuable privilege, for of all the propositions of this nature which have been before us, Mr. President, this is the one locality where the utilization of water power can be had under the most favorable circumstances? It is in a locality where there are almost countless industrial establishments in the near neighborhood. A market will not have to be sought; it will be ample from the very first day.

I can not understand how the Senator from Minnesota could make such an appeal for this company which seeks this privilege. I must say, Mr. President, that it is indeed rare that anyone in the Senate so complains of the injustice that would be done to a private corporation. The Senator from Minnesota, I am very sure, is the last man who would be expected to make that kind of an argument.

Mr. BORAH. Mr. President——

Mr. BURTON. I will yield to the Senator in a moment. The Senator from Minnesota seems to think that we are treading on the toes of this corporation; that we ought to let them have this privilege free, imposing no charge upon them; that we ought to make no provision for navigation; that we must disregard the interests of the Government, and on some theory of State rights or private rights let the corporation thrive and flourish.

Mr. BORAH. Mr. President——

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

Mr. BURTON. I yield to the Senator.

Mr. BORAH. I want to ask the Senator's attention to this proposition, for I do not think he was in the Senate Chamber yesterday when I discussed it. The contract which has been drawn up in contemplation of this bill going through provides as follows:

Mr. BURTON. From what page is the Senator reading?

Mr. BORAH. Page 5 of the contract. It provides:

(c) The actual and bona fide cost of all labor, material, supplies, and other expenses of maintenance and operation, excluding depreciation. Such cost of operation shall be taken to the initial points of distribution, to be fixed subject to the approval of the Chief of Engineers.

Of the net profits of the company as thus ascertained the company shall be entitled to all of the said profits up to an amount equivalent to 8 per cent of the actual amount of capital invested as provided in section 1 of this memorandum. The said net profits beyond 8 per cent, and not exceeding 9 per cent, shall be divided between the United States and the company equally. The net profits beyond 9 per cent shall be divided between the company and the United States at ratios and in manner to be provided in the above-mentioned permit and agreement, but in no event is the share of the United States to be less than 50 per cent of such excess profits.

Mr. President, unless we consider the Government of the United States and the people as one, and also that the highest duty of the people is to pay taxes, suppose that the consumers of power in the vicinity of this power site should come to the conclusion that the company and the United States together were receiving entirely too much profit—because they agree to share the profits—then to whom would the people appeal in order that they might have that profit reduced to a reasonable figure and in order that they might not be imposed upon by extraordinary charges?

Mr. BURTON. In the first place, there is a provision for readjustment at the end of each 10-year period. If there were an undue profit, the public-utility commission of Connecticut would be the body to fix the rates. Under the proposition of the Senator from Idaho, the Interstate Commerce Commission, or some similar agency, would have the right to fix the rates to be charged for power. It is only after the public-service commission of Connecticut, or whatever the body is, fixes the price and after the company still earns its 8 per cent that there is to be any division at all.

Mr. BORAH. Precisely; but when the company shall have earned 8 per cent, then the rate-fixing power and the company could go into business together, neither one of them interested in reducing the rates or keeping them down, but both interested in raising the rates; and the third party, the people, would have no protection at all under this contract.

Mr. BURTON. The public-service commission of Connecticut fixes the rate the consumers pay, and what else do they need protection for?

Mr. BORAH. Who fixes the rate they pay?

Mr. BURTON. The public-service commission of the State of Connecticut.

Mr. BORAH. That is true.

Mr. BURTON. But if the power is sold outside of the State, if the policy which I think must ultimately prevail is adopted, then, in that case, the Interstate Commerce Commission would fix the rates.

Mr. BORAH. Well, Mr. President, under the amendment which I have offered, if the power is transmitted in interstate commerce or across the State line, the rate is fixed by the Interstate Commerce Commission; but if it is intrastate, it is fixed by the utilities commission of Connecticut. So the amendment which I have offered does nothing more than to erect a tribunal which shall provide and control the charges. I do not think that it can be properly said that we are deliriously anxious to protect the interests of the corporation when we are trying to insert here a provision which creates a tribunal which shall keep that rate down to a reasonable figure.

Of course we proceed in our legislation upon the theory that the Government can do no wrong, as it used to be said that the King could do no wrong; but it is not safe to place in the hands of an officer of the Government the power to fix a rate when he is particularly interested in having that rate raised all the time in order to get more proceeds.

Mr. BURTON. I do not agree that he is interested in having it raised. This provision would apply only in case the profit did reach 8 per cent. In that case and in order either to check exorbitant profits or give the public some share in them jurisdiction is then given to the Secretary of War.

Mr. BORAH. Well, Mr. President, when you take into consideration the fact that these departments are always as desirous of securing as much money for the several departments as possible, it is not, it seems to me, a wise proposition to have the department fixing the rate from which it is to derive its revenue.

Mr. BURTON. I do not quite understand what the Senator from Idaho means by that statement.

Mr. BORAH. Well, in the first place, this corporation could fix any rate that it saw fit so far as this bill is concerned.

Mr. BURTON. No; it could not.

Mr. BORAH. Why not?

Mr. BURTON. It could so far as any provision in this bill is concerned; but we all know perfectly well that there is a public-utilities commission which has ample right to fix the rate. I stated early in the discussion that in other bills I have proposed an amendment by which the Secretary of War might control the charges, and I should have been very glad were

such a provision in this bill; but I regarded that provision as merely academic, because, according to representations made to me by those most familiar with the subject, there was ample machinery for that purpose in the State of Connecticut; and I thought that for the present, at least, we should leave that matter as far as possible to the State itself.

Mr. BRANDEGEE. Mr. President——

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

Mr. BURTON. I do.

Mr. BRANDEGEE. Mr. President, I desire to make a suggestion to the Senator from Ohio and to the Senator from Idaho. It seems to me that, if the net profits of this company should ever go above 8 per cent, almost any public-utilities commission would say that the charges from which that excess over 8 per cent resulted were unreasonably high charges, and they would be reduced. I do not think there is the slightest danger in that regard.

Mr. JONES. If the company will not be able to earn above 8 per cent, why the necessity of putting such a provision in the bill?

Mr. BRANDEGEE. It has not been put in the bill. It is in the proposed agreement submitted by the Secretary of War as to what might be done if this bill is passed.

Mr. JONES. Why put the provision in as to charges if, under the agreement and under the circumstances, the profit is not going to come up to the limit at which the Government will be able to divide?

Mr. BRANDEGEE. I do not know how much there will be.

Mr. BURTON. I have endeavored to set forth a reason for that.

Mr. NELSON. Mr. President, will the Senator yield to me?

Mr. BURTON. If the Senator will allow me to proceed for just a moment I will then yield to him. Under conditions existing by which part of the power is supplied by coal generation and part by water power there will be trouble. In the same localities, if there were a great difference in cost between the two, the public-utilities commission surely would not make fish of one and fowl of the other. Although they are of different origin, yet they are furnishing the same facilities.

Mr. JONES. I asked my question based upon the same line as that of the Senator from Connecticut. I heard the argument of the Senator along that line a few moments ago.

Mr. WORKS. Mr. President——

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

Mr. BURTON. The Senator from Minnesota [Mr. NELSON], I believe, first rose, and I yield to him.

Mr. NELSON. For a very mild question. I am a little curious to know under what legislative authority the Secretary of War is acting in negotiating with these people and entering into a preliminary agreement before Congress has acted on the subject.

Mr. BURTON. Of course, Mr. President, that is easy to see. It is as the Secretary of War states in the document transmitted. There is nothing final to this; it is merely preliminary.

Mr. NELSON. He is willing to give Congress a little show in the matter.

Mr. BURTON. He gives Congress all the show. Indeed, I think Congress is exercising its will on this bill without limit and at most considerable length.

Mr. SMITH of Arizona. Mr. President, let me ask one question.

Mr. BURTON. The Senator from California [Mr. WORKS] first arose to ask a question, and I will yield to him.

Mr. WORKS. Mr. President, the contract referred to by the Senator from Idaho [Mr. BORAH] provides that out of the gross earnings of the corporation it shall be allowed for its maintenance and operating expenses. I should like to ask the Senator from Ohio whether the amount the Government would be allowed to charge under this bill, if it becomes a law, would be included as a part of the cost of maintenance and operation?

Mr. BURTON. I do not think it would; that is, the charges for maintenance and operation must first be computed and together with that a reasonable profit. The bill provides at the end of section 1:

> And no charge shall be imposed which shall be such as to deprive the said corporation of a reasonable return on the fair value of such dam and appurtenant works and property, allowing for the cost of construction, maintenance, and renewal and for depreciation charges.

It seems to me the bill answers that question.

Mr. WORKS. Then, I suppose, under the view of the Senator from Ohio, if this particular charge would consume all the profits, the company would be entitled to no credit on account of that charge being made?

Mr. BURTON. That charge would only be made in the event that after payment of cost of operation, allowing for the cost of construction, which would probably mean the interest on the construction, maintenance, and renewal, there is still a balance left.

Mr. WORKS. I am afraid the Senator from Ohio has not given very careful attention to the decisions with respect to the charges that a corporation has a right to have taken into account before it can commence to count profits. I think all the authorities hold that the corporation would first be allowed a sufficient rate to repay this amount, together with other fixed charges, and the reasonable profits in addition.

Mr. BURTON. The Senator from California evidently misapprehends the fundamental fact in this case, namely, that this is a special charge to be made under certain circumstances, which are very carefully detailed here.

Mr. WORKS. Mr. President, it is a charge which will eventually be a charge against the consumers of this company. There is no escaping from that fact.

Mr. BURTON. Mr. President, I think I have answered that sufficiently. That is a mere repetition of a general fact, which it is very easy to state as a general principle, but which does not in any way apply in this case.

Mr. CUMMINS. Mr. President——

Mr. BURTON. The Senator from Arizona [Mr. SMITH] asked me to yield to him awhile ago, and I will yield to him first.

Mr. SMITH of Arizona. What I wanted to ask is this: If the United States has the power to do anything with this contract, if it can fix a rate, impose a charge, or lay certain duties on the company, what right has the State to come in and pass any rule, law, or regulation through any tribunal it has to affect in any way the power that the Government is exercising in this matter? In other words, my contention is—and I want information from the Senator—that if the Government has any power at all here, it has exclusive power. If it can fix that, it can fix a rate. If it can fix a rate, the State can not change it. Therefore I say it has no power at all. Therefore it is an invasion of the rights of the State to fix the rate.

Mr. BURTON. I think possibly the Senator from Arizona has misapprehended one point in this matter, namely, that the Government does not fix the rate. The charge that would be paid to the Government would arise only after the payment of the revenue to the company and the deduction of the charges which are specified.

Mr. SMITH of Arizona. Further, if they can do this, could not the Secretary of War, at some subsequent time, spread this a little further? Could he not, under this power, make a contract as to what the consumer should pay?

Mr. BURTON. He could fix other charges at the end of 10 years.

Mr. SMITH of Arizona. Then the Federal Government would invade the State, in spite of all the efforts of the State, and fix the rate which consumers would pay for the power?

Mr. BURTON. Not at all. The whole machinery regarding charges is still under the control of the State. If power were furnished in another State, then the Senator from Idaho [Mr. BORAH] suggests that the charges should be placed under the Interstate Commerce Commission.

Mr. SMITH of Arizona. I am speaking of power furnished in the State of Connecticut. If they have the power to fix any charge at all——

Mr. BURTON. They have.

Mr. SMITH of Arizona. Then how can the State affect the Federal charge?

Mr. BURTON. The Federal charge is a claim upon the fund that is left, after the deduction of the expenses named here from the income derived from rates fixed by the State of Connecticut.

Mr. SMITH of Arizona. But that does not touch the principle of the right to charge. If they can do what they propose to do in this bill 10 years from now, does the Senator deny that they could fix the rate at which the consumer should take this power or at which the company should furnish it?

Mr. BURTON. Not at all. No right is given to fix the rate to the consumer.

Mr. SMITH of Arizona. The Federal Government has no such right?

Mr. BURTON. It has no right to fix the rate to the consumer under the provisions of this bill.

Mr. SMITH of Arizona. Then what right has it?

Mr. BURTON. As I said a few minutes ago, I favor—and I favored in the case of the Coosa River bill—lodging in the Federal Government the right to review the rates charged; but it was not thought necessary in this case, because the State of

Connecticut has a commission which, as I understand, is entirely competent to do that work.

Mr. SMITH of Arizona. If the Senator will pardon one more interruption——

Mr. BURTON. Certainly.

Mr. SMITH of Arizona. I was asking for a suggestion from the Senator, in whose judgment I have very great confidence. My contention is that the Government had nothing whatever to do with this matter. The Senator's contention is that the Government has the power; and I am trying to measure what power the Government has. If it has the power to lay an embargo, to lay a toll or a duty or an imposition, that duty, toll, or imposition ultimately comes out of the consumers of this power, confessedly made through State property and within State lines. If the Government can do that, it can go to the other limit of absolutely ruining all State power.

Mr. BURTON. Not a particle of State property is involved. It is not the laying of any embargo on the company or on the consumer or on anyone else. The object of this provision is to prevent this corporation from reaping an inordinate profit from that enterprise. If the rate of 8 per cent is reached, then, in that case, a certain proportion is to be paid over to the Government to be applied to purposes of navigation.

I am frank to say that to me the rate of 8 per cent seems rather high; but it is well known that in many of these enterprises the return has far exceeded that amount. It is a somewhat uncertain business.

The cost of constructing a lock and dam, though it can be computed with a fair degree of accuracy, has some elements of uncertainty. The cost of installation furnishes a still greater element of uncertainty. The amount of power developed is even more uncertain still. The market in this locality would be a comparatively fixed factor, and it could be estimated with some degree of assurance. But the Senator from Arizona well knows that in proportion as the results of investments are uncertain, investors expect a larger return.

Mr. CUMMINS. Mr. President——

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

Mr. BURTON. Certainly.

Mr. CUMMINS. Mr. President, is it the view of the Senator from Ohio that we ought to consider the proposed contract between the Secretary of War and this company in determining whether or not the bill before us should pass?

Mr. BURTON. I believe the Senator from Iowa can tell as well as I with reference to that. I do not at all understand that this agreement is a finality.

Mr. CUMMINS. I think the Senator from Ohio will agree with me that in determining the merit of this bill, we ought not to take it for granted that any contract is made, or is about to be made, between the Secretary of War and the company. We ought to look at the terms of the bill alone in order to determine whether or not it should pass.

Mr. BURTON. I should say so.

Mr. CUMMINS. The question I intend to ask the Senator from Ohio is this——

Mr. BURTON. That is to say, that is all we have before us. We have here an intimation of a probable contract that may be made; that is all.

Mr. CUMMINS. I do not want the Senator from Ohio to think that I disagree with him about certain phases of this bill, but I do disagree with him about certain provisions of it. I have no doubt that the Government of the United States in this instance, under the conditions of the Connecticut River, can grant permission to build a dam across it which is really a part of the system of improvement already determined upon, and that the company which builds the dam can dispose of the power generated by it. So far the Senator from Ohio and myself are in agreement; but we only reach that conclusion upon the theory that the Connecticut River Co. is doing what the Government of the United States might otherwise well do. If the Government built the dam and generated the power, of course it would fix the price at which the power would be sold.

Mr. BURTON. If I may interrupt the Senator from Iowa, I will state that the question was raised here a few days ago whether, in case the Government generated the power, the rates would be subject to the ruling of any State commission. I should like the opinion of the Senator from Iowa upon that point.

Mr. CUMMINS. In my opinion, very clearly not. If the Government builds the dam and has the right to sell the power—and concerning that I will leave the discussion to others here, but I will assume that it has—undoubtedly it has the right to determine at what price it will sell the power. It may be well assumed that it will sell it at a price that will do no injustice to the people to whom it is supplied.

If the Government gives to the Connecticut River Co. the permission to build the dam and sell the power, it seems to me that, unquestionably, the Government ought to reserve the right to fix the rate at which the power shall be sold—not only the rate on power that is transmitted from one State to another, but the rate on power that is used in the State of Connecticut alone.

So far as I am concerned, I never can bring myself to favor a measure that does not reserve that right on the part of the Government. I am now assuming that this is a proper instance for the grant of the permission. I assume that as my initial premise.

My objection to the bill is because the Government does not reserve the right to declare what a reasonable rate shall be; and furthermore—I shall not deal with that now, however, because there is a false and fictitious standard of value sought to be established in the bill for application in the event that the permission is ever withdrawn from the Connecticut River Co.

The Government ought not to bind itself to take this improvement under a valuation the test of which is proposed in this bill. That, however, is not up now, and I shall not divert the attention of the Senator from Ohio to that point. But I am sure that the point that was under discussion when I came in—namely, the propriety of the Government reserving the right to fix the rates in every instance in which it has the right to grant permission—ought not to be questioned.

Mr. BRANDEGEE. Mr. President——

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

Mr. BURTON. I yield to the Senator from Connecticut.

Mr. BRANDEGEE. Mr. President, the Senator who objected to my request, made this morning, for unanimous consent to vote upon this bill and all amendments to it in accordance with the terms of the unanimous-consent agreement which stands upon the calendar, informs me that he has no objection, and therefore I renew the request. The request was that under the terms of the unanimous-consent agreement as it stands on the calendar we shall commence voting upon this bill and all amendments, to final disposition of the same, not later than 4 o'clock on Monday next, without further debate.

The PRESIDING OFFICER. The Senate has heard the request for unanimous consent made by the Senator from Connecticut. Is there objection?

Mr. SMITH of Arizona. I did not hear the request.

Mr. BRANDEGEE. The request is for unanimous consent that we shall vote not later than 4 o'clock next Monday afternoon on the pending bill.

Mr. SMITH of Arizona. What time does that give? Is there any special order for that day, or any appropriation bill that will consume all the time?

Mr. BRANDEGEE. We could convene at an earlier hour on that day, if the Senator desired.

Mr. NELSON. Mr. President, I do not like to object, but I wish to suggest to the Senator that I have given notice that I intend to call up the river and harbor bill on Monday, after the conclusion of the regular routine morning business.

Mr. SMOOT. And the District of Columbia appropriation bill is to be called up on Monday.

Mr. BANKHEAD. It seems to me, if the Senator from Minnesota will permit me, that if any appropriation bill should be under consideration on Monday when the hour of 4 o'clock arrives, we might suspend the consideration of that bill long enough to vote upon this bill.

The PRESIDING OFFICER. Is there objection to the request for unanimous consent?

Mr. GALLINGER. Mr. President, as I objected this morning, I very gladly withdraw the objection, because I very much want to have this matter disposed of. I will venture to suggest to Senators who have charge of appropriation bills that this bill is blocking all the work of the Senate. I suggest that they might well agree to withhold the consideration of appropriation bills until this bill is disposed of. I am sure I would do that if I had charge of an appropriation bill.

Mr. CURTIS. Mr. President, if the Senator will yield, I wish to state that if I have charge of the District appropriation bill, and it is up at the hour of 4 o'clock on Monday when this matter is to be voted upon, I shall gladly ask that the bill be laid aside until a vote can be had.

Mr. SMITH of Arizona. Mr. President, I do not want to stand in the way of the Senator from Connecticut getting a vote upon this bill. I have not been in condition to say what I wish to say to the Senate about it, and I do not know whether I shall be on Monday or not, but I had desired to speak for a while, at least, on certain provisions of the bill. I should like, if it could be conveniently done, if I find myself at that time able to take the floor, to have an opportunity to say something

about it, but I do not want that feeling of mine to stand in the way of a vote on the bill. I shall not object.

The PRESIDING OFFICER. The Secretary will read the unanimous-consent agreement requested by the Senator.

The SECRETARY. The Senator from Connecticut asks unanimous consent that, in accordance with the terms of the unanimous-consent agreement now in existence, the Senate will proceed to vote without further debate on any amendment that may be pending, any amendments that may be offered, and upon the bill, S. 8033, through its parliamentary stages, to its final disposition, on Monday next, the calendar day of February 17, 1913, not later than 4 o'clock.

The PRESIDING OFFICER. Is there objection? The Chair hears none.

Mr. BURTON. I am glad to know that the Senator from Iowa favors inserting in each of these bills a reservation of the right of the Federal Government to control charges. I do not know that I should go quite as far as that. I think the power should be one of revision—at least at present—rather than of immediate control; and if local agencies prove inadequate, then the Federal Government should act. But I think we are failing in our duty unless we assert larger and larger powers in the control of this enormous asset of the country, our water power. Such a condition was proposed when other bills were pending, but was omitted in this case, because it was thought the State of Connecticut had ample power to take care of this phase of the problem.

There is one thing to which I wish to call particular attention. We ought to interpret the Constitution in the same way whether the question concerns the right of the States or the right of the Federal Government. Every Senator here has taken an oath, and it is his duty to support the Constitution, and to observe its provisions. That includes the most careful regard for the interests of the United States. If we look upon that Constitution as written on tablets of stone, it seems as if a thick veil were drawn before it whenever any measure proposed is in favor of a State. There is a growing tendency to disregard the Constitution and its provisions in such cases. But if the question is one where they seek to make the interest of the State subservient to that of the Federal Government, then we throw a strong light on it and give to it as technical an interpretation as possible.

Almost two years ago to-day we passed here the Appalachian Forest Reserve bill. That was a measure the object of which was to purchase forests, to establish parks, to protect land in the States from erosion. It was started as a measure of purely local interest, until all at once some one discovered that we had no constitutional right to do that just as a mere local proposition; we must have some reason of national concern for it. Then the argument was made, "Why, it promotes navigation." So it was proposed that we should buy forests 300 miles away from any navigable river, with the idea that they promoted navigation by increasing the flow in rivers where their chief difficulty was not that they had insufficient water but that every year they were suffering from floods. Then, when you finally reached the rivers themselves, they had no navigation worth mentioning at any time of the year.

Did anybody raise the point of the Constitution and State rights then? No. Money was being expended from the Federal Treasury for the benefit of localities.

I want to quote what one Senator said with reference to that bill. How excellently he expresses the limits of constitutional power!

> We are theorizing largely here—

I think, Mr. President, that could be repeated in regard to this debate—

> We are theorizing largely here. I had a practical experience in 1908. In the watershed of the mountains bordering in North Carolina onto the foothills in South Carolina there was an unusual rainfall. In that territory, on the hillsides, which produce nothing in proportion to what the lower and more level lands produce, there was an unusual rainfall in 1908. All the streams of South Carolina—the Pedee River, Lynches River, the Wateree, the Congaree, and the Santee—destroyed millions upon millions of dollars' worth of property permanently by the erosion of these hills, which could not have happened had there been forests on them, because tons upon tons of silt, sand, and rock were carried down and deposited upon the level alluvial land, and made sand bars and mud banks in the navigable streams, costing the State more than those counties were practically worth. It seems to me it would be a wise provision on the part of the Government to make such an appropriation as will forestall any future flood.

That is, whether the stream is navigable or not, if the improvement will forestall a flood and save the quality of the land, we are asked to make an appropriation for it. But when, in the course of the improvement of rivers, enormous expense is incurred—and I want to say to my fellow Senators that the extravagance in all our river and harbor appropriations has been most striking in canalizing these streams which need locks and dams; that is the place where there is waste—when the Government, by taxing the whole people, appropriates for building a lock and dam, or when there exists a point where a water power of value can be developed, then, Mr. President, there is a place where it would be well for us to safeguard the National Treasury.

Mr. President, what else do we do? Why, we build levees on rivers. They have a remote bearing on navigation. But to save private property, to make lands worth $100 an acre that are now worth $3 an acre, or are entirely worthless—we are doing this under the very Constitution to which such a touching appeal has been made here during the last week.

Oh, what a dread there is lest we violate the Constitution when we retain that which is incidental to the great work of developing commerce; but how little we hear the voice of fear when money goes out into the States and into the districts. There the Constitution is hidden from our faces.

Mr. McLEAN. All three political parties are committed in their party platforms to the proposition that the Government should appropriate funds to reconstruct and maintain levees.

Mr. BURTON. I think so. I do not know whether or not they considered the Constitution when they did that. What is the Constitution in the midst of a political campaign, when there are multitudes whose votes are sought? But that Constitution grows very strong here when we seek to make use of water power incident to navigable streams. Then the rights of the State are asserted, though that rule seems never to be invoked when appropriations are sought.

Why, barely two weeks ago, without a roll call, we passed here what is called a vocational bill, under which it is proposed to enter a State and spend a certain amount of money for education—a most commendable purpose, but one which, under the old ideas of Jeffersonian democracy, should be left to the States and to the local communities. It was thought by Jefferson and his followers that the Central Government should have only such powers as were necessary to maintain the supremacy of the Nation; that it was far better for each city and each State to be left to itself, just as in individuals we teach self-reliance and develop strength by imposing personal responsibility and compelling each man to work his own way in the struggle of life. Nobody said anything about the Constitution when the vocational bill was up here.

Mr. SMOOT. How about the general-welfare clause?

Mr. BURTON. Oh, under the "general-welfare" clause people sometimes think we could do anything. We could wipe out the lines between the States. If Congress chose to do so, we could take over to ourselves the control of cities. We could go into cities and build hospitals—which are very necessary—for the prevention of tuberculosis. Physical life and health are just as necessary as is education. In short, they say we could do anything under the "general-welfare" clause.

Mr. BANKHEAD. Mr. President——

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

Mr. BURTON. I really should like to proceed briefly, since I have had so many interruptions, if the Senator will kindly excuse me. Perhaps the Senator from Alabama desires to offer some other illustration of going beyond Federal powers without any protest here. I could state so many that I do not think it is worth while.

Mr. President, I am surprised at the opposition to this bill. I thought it would be a mere matter of the merits of this bill. But it is said there is a precedent in it. This case stands by itself, though I repeat what I said at the beginning: So far as I am concerned, it is a precedent, and while we may never have exactly the same conditions again, I am in favor in the future of placing the strictest restrictions on these grants of water power. Such a policy is necessary to prevent monopoly. I want to say to Senators that we are just in the beginning of discussions on this subject. But why hold up this bill?

It is favored in the locality which is immediately interested. If the conditions are severe, a company has been found which is willing to submit to them. I have no doubt they would like it far better without this provision for the imposition of a charge, but they regarded that as fair and were willing to accept it. The Secretary of the Interior framed like regulations pertaining to the grant of water power in the great West, where even more severe restrictions have been imposed and accepted.

What do Senators expect? Do they think that the time is coming when the American people are going to be negligent in the matter of conserving these great resources? If they do, I think they are in error. The people are waking up to the importance of the matter. They recognize that land and forests and minerals have gone into the hands of great organizations, and that a favored few have gained an advantage in many cases to the detriment not merely of the development of the country but of the equal opportunities of our citizens. They are not going

to allow water power to be wasted or to fall into the hands of a few exploiting corporations.

Personally, I should favor somewhat stricter rules than are contained here. It is quite interesting to note that while on the other side there are so many who think State rights are offended by this bill and the National Government receives too much power, the Senator from Iowa thinks the Federal Government has not gone far enough. I come nearer to agreeing with him on that proposition than I do with those who have the opposite contention.

Mr. President, it seems to me that we should pass this bill as it was introduced by the Senator from Connecticut. I have no personal affiliation with this locality or with any of the parties. My interest is based in part on a realization 10 years ago of the importance that this problem would assume. The bill relating to the Hales Bar, passed in 1904, providing for a dam below the town of Chattanooga, in the Tennessee River, was one that I drew myself. That bill inaugurated this policy of making a condition when water power was developed in navigable streams and to compel him who enjoyed the privilege to contribute to the development of the river for navigation. In that case the dam and the locks were built by the licensee. I am sure that in the future the people of this country will insist that instead of lessening restrictions and conditions in the grant stronger restrictions safeguarding the public interests and preventing monopoly should be imposed.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On February 13, 1913:

S. 3952. An act repealing the provision of the Indian appropriation act for the fiscal year ending June 30, 1907, authorizing the sale of a tract of land reserved for a burial ground for the Wyandotte Tribe of Indians in Kansas City, Kans.

On February 14, 1913:

S. 109. An act to authorize the sale and disposition of the surplus and unallotted lands in the Standing Rock Indian Reservation in the States of South Dakota and North Dakota, and making appropriation and provision to carry the same into effect.

MESSAGE FROM THE HOUSE.

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

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

S. 3873. An act for the relief of Lewis F. Walsh;

S. 4043. An act for the relief of Sylvester W. Barnes; and

S. 5262. An act for the relief of Sylvester C. Parker.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) 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.

IMMIGRATION OF ALIENS—VETO MESSAGE (S. DOC. NO. 1087).

Mr. LODGE. I ask the Chair to lay before the Senate a message just received from the President of the United States.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

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

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

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

But I can not make up my mind to sign a bill which in its chief provision violates a principle that ought, in my opinion, to be upheld in dealing with our immigration. I refer to the literacy test. For the reasons stated in Secretary Nagel's letter to me, I can not approve that test. The Secretary's letter accompanies this.

WM. H. TAFT.

THE WHITE HOUSE, *February 14, 1913.*

Mr. LODGE. I ask that the message be printed, together with the accompanying letter from the Secretary of Commerce and Labor, and that it lie with the bill on the table. I give notice that immediately on the expiration of the unanimous-consent agreement I shall ask the Senate to consider the message and the bill under the terms of the Constitution.

The PRESIDING OFFICER. Without objection, the message and accompanying paper and the bill will be printed and lie on the table.

CONNECTICUT RIVER DAM.

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

Mr. CUMMINS. Mr. President, I shall consume but a very few minutes. The only reason I speak at all is because I intend to vote against the bill in its present form and yet heartily approve the general principle upon which it is founded.

I stated a few moments ago in an interruption that it seemed to me altogether inconsistent to grant this permission without reserving the right on the part of the Government to fix the charges that shall be made by the river company for the power that is generated in or by the dam. I do not care to enlarge upon that. If an amendment shall be adopted that does reserve that right to the Government, it will remove my objection on that score.

My second objection, and it seems to me to be a most serious one, is to that provision of the bill which provides that under a certain contingency the Government must take this improvement and must pay for it according to the standard fixed in the bill.

I do not think that we ought to agree with the Connecticut River Co. to take its improvement at any time or under any circumstances. It may be that if the promise is ever withdrawn a sense of justice would require the Government to make compensation. But sufficient unto the day is the evil thereof. It is in the highest degree unwise and impolitic for the Government of the United States to now enter into an agreement with the Connecticut River Co. that it will take and will pay under any circumstances.

I desire to call the attention of the Senate to just what we agree to do—a most extraordinary agreement. I do not believe its parallel can be found in the annals of legislation:

> SEC. 5. That upon the termination for any cause whatever of the authority, rights, and privileges granted hereby, or any renewal thereof, the United States may renew the same or the grant may be made or transferred to other parties.

Now, mark: Upon the termination, no matter what the offense or delinquency of the Connecticut River Co. may have been, if this permission is terminated for any cause, and the Government does not renew it to either that company or to its assignees, then the consequences which I am about to recite follow:

> Unless the grant is renewed to the original grantee or its assigns, as herein provided, the United States shall pay or require its new grantee to pay to said original grantees or its assigns, as full compensation, the reasonable value of the improvements and appurtenant works constructed under the authority of this act and of the property belonging to said corporation necessary for the development hereby authorized, exclusive of the value of the authority hereby granted.

It is not within the human mind to conceive what property that may embrace in the development of the next quarter of a century or half of a century. This permission is in its terms perpetual—it does not continue for a term of years; and it is repugnant to my sense of justice to say that if for any cause we may desire to withdraw the permission, thereupon we must take all the property that is connected in any way with this particular dam and pay for it upon any basis whatsoever.

Mr. THOMAS. Mr. President——

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

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

Mr. THOMAS. In this connection I should like to call the attention of the Senator from Iowa to what is recited in the proposed agreement with the Secretary of War. The total investment is estimated at $5,500,000; so that if immediately after it is completed the terms of that part of the contract which has just been read become effective the Government would at once be obliged to pay over this enormous sum to the grantee.

Mr. CUMMINS. I have not read the proposed contract. I do not consider it in reaching the judgment that I have reached, but I consider only the terms of the bill.

Mr. BURTON. If the Senator from Iowa will yield to me, there has been discussed very largely the different kinds of franchises, and this seemed best for the public and best for the exploiter. If there are terms which will secure the interests of the Government in any possible degree, let them be

brought forward. I do not regard that condition, if for any reason the Government desires the property, as being one of more than a very general nature, and I can conceive of no conditions under which that would become effective.

Mr. CUMMINS. I do not know when or how it will become effective. I only know that it is unsound in principle. It is a most dangerous precedent. Only a few years ago the Congress of the United States granted permission to a company to build a dam across the Mississippi River. There was no agreement assumed or expected there that if in the future the permission should be withdrawn the Government should undertake to pay. This is perpetual.

Mr. ROOT. No; 50 years.

Mr. CUMMINS. I have not observed that there is any limit to the privilege granted here, taken in connection with the renewal that is provided for, but if it is limited to 50 years it is all the worse, Mr. President, because——

Mr. ROOT. I withdraw it.

Mr. CUMMINS. That magnifies and intensifies the objection I have to it because if it were to run for 200 years the property might be entirely worn out.

Mr. ROOT. May I ask a question of the Senator from Iowa?

Mr. CUMMINS. Certainly.

Mr. ROOT. How does this differ from the ordinary provision in long leases which provides for renewal? Ten thousand leases have been made within our lifetime under which it is provided if the lease is not renewed the grantor of the right shall pay for the property that is put on.

Mr. CUMMINS. Precisely. As between private parties it is a most customary and indeed a most wise provision.

Mr. ROOT. Is there any reason why this should be different?

Mr. CUMMINS. Yes, sir. I will try to state to the Senator from New York and to the Senate why this is so essentially different. There the lessor receives a stated rental. It is supposed to adequately compensate him for the use of the property and for all the other obligations into which the lessor enters. If the lessor under such circumstances agrees that upon a failure of the lease or upon a termination of the lease the improvements which the lessee has placed upon the property shall be paid for, well and good; but we are here granting a permission without any compensation whatever. We are granting a permission that is supposed to be for the general welfare, and yet under those circumstances it is proposed to fasten upon the permission the agreement of the Government that upon the termination of the grant, no matter what the cause may be, this obligation on the part of the Government to pay shall arise.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield further to the Senator from New York?

Mr. CUMMINS. I yield.

Mr. ROOT. If the permission be for the general welfare, do we not receive compensation? Are not the improvement of navigation of the river, the building of the lock, the canal, the contribution toward the improvement of the river in general, compensation for the interests that we are bound to promote?

Mr. CUMMINS. It would be, Mr. President——

Mr. ROOT. And why should we be less just toward the grantee of a right which is terminated than a private party is toward the grantee of a right that is terminated? Why do not the same principles of right conduct apply to us that apply to a private person?

Mr. CUMMINS. Simply because——

Mr. BURTON. Let me ask the Senator from Iowa another question?

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

Mr. CUMMINS. I do.

Mr. BURTON. Suppose it is known that in the 50 years there is no right of renewal and that the party must lose his property, his trust. Does not the Senator from Iowa know that the charge to the consumer during all those 50 years will be very greatly increased—doubled in some cases—so that in the end the public are much worse off than they would be without this kind of a condition?

Mr. CUMMINS. I do not, Mr. President. I assume——

Mr. BURTON. I want to ask further, has not that been the conclusion of public-service commissions—of students of the subject? I understand it is the rule in the State of Wisconsin, where this subject has been very carefully considered, that the best way to do was not to confiscate the value of the structures or buildings at the end of a certain period, but to make some allowance for them.

There is another point in connection with it. There is no encouragement for the owner of such a plant to go on and improve it. He will maintain it at the very lowest stage of efficiency if he knows that at the end of 50 years he will have no interest whatever in it. There is a situation here in which there are plainly two sides to the question. The general conclusion has been, I think, that means of compensation at the end of 50 years, or some other stated period, is best.

Mr. CUMMINS. Mr. President, I do not think the case put by the Senator from Ohio and the case under consideration are parallel. We are securing our object in the improvement of the river. We are not building this dam for the purpose of creating power. The power is a mere incident. It would be very unjust for the Government after the dam was built to withdraw the permission without just cause. I agree with that. But I assume that the Congress of the United States will be as just then as it is now. My objection is to the positive obligation that is created and that will arise upon a contingency that no one can foresee or foretell.

Mr. BURTON. If the Senator from Iowa will yield to another question, what kind of a franchise would he recommend?

Mr. CUMMINS. If I were doing it, I would grant this permission for any reasonable length of time, I care not whether a year or a hundred years, but I would not enter into any agreement that at the end of that time the Government of the United States would undertake to buy the property at the rate that is here prescribed.

Mr. BURTON. Which does the Senator, if I may ask, regard as best—a hundred-year franchise with no provision for renewal or 50 years with this kind of provision?

Mr. CUMMINS. It matters not. Of course the Government of the United States could by process of condemnation take the property at any time and therein exercise its undoubted privilege and pay for the property according to rules of law; but that is a very different thing from entering now into a contract to take the property at a certain valuation upon the termination of the grant.

Mr. BURTON. To take or renew.

Mr. CUMMINS. Yes; no matter how it might seem at the time, we would be compelled to renew it in order to avoid the payment.

Mr. BURTON. Oh, not necessarily. If there was a very valuable privilege others would come forward and say that they would take it and pay. It is only to safeguard the interest of the Government that that provision is there. Does not the Senator from Iowa realize that if you do not make some provision for compensation you must necessarily double or treble the length of the privilege that you give?

Mr. CUMMINS. I understand perfectly that, in order to invite the investment necessary for the construction of such a work as this, it would be necessary to give a time within which those who invested their capital could repay it to themselves with a profit; but that is a vastly better course, in my opinion, than to agree to take the property under the uncertain contingency named in the bill.

Mr. BRANDEGEE. Mr. President——

Mr. CUMMINS. But that is only one——

Mr. BURTON. I do not know that I understand the Senator from Iowa.

The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Connecticut [Mr. BRANDEGEE]. I observe he has been addressing the Chair for quite a few minutes.

Mr. BRANDEGEE. Mr. President, I thank the Senator very much. Sometimes it is not necessary to get permission to interrupt a fellow Senator. The bill provides that the rights conveyed shall be subject to what is known as the general dam act, which is the act of June 23, 1910. If the Senator from Iowa will read section 4 of that act, he will find that the language there employed is identical with the language of the bill, and this very bill authorizing the construction of a dam, if passed by Congress, will be subject to section 4 of the act to which I refer. It also provides that, if the Government shall not renew the grant, the Government shall take the property under condemnation proceedings. When the Senator from Iowa shall have concluded his remarks I will put section 4 into the RECORD.

Mr. CUMMINS. Does the Senator from Connecticut say that section 5 of this bill is an exact reproduction of any part of the so-called general dam act?

Mr. BRANDEGEE. If the Senator will allow me now—though if he prefers not to be interrupted I will not interrupt him—if he will read the bill, I will read the act and we can in that way compare them.

Mr. GALLINGER. Why not read the section?

Mr. BRANDEGEE. I will.

Mr. CUMMINS. I did not know that it was the same; I did know that it contained many features of this general law; but, if it does, the general law is bad.

Mr. BRANDEGEE. That may be so. I did not help to pass it. I am simply saying that this bill, instead of departing from precedents or from the general policy of the Government, is strictly in accord with them. If the general policy is bad, instead of picking out this particular bill for the victim, let us repeal the general policy—the general law.

Mr. CUMMINS. Does the act to which the Senator from Connecticut now refers provide that the Government shall take the property and pay "the reasonable value of the improvements and appurtenant works constructed under the authority of this act and of the property belonging to said corporation necessary for the development hereby authorized, exclusive of the value of the authority hereby granted"?

Mr. BRANDEGEE. Yes; it does; and more, too; but I should like to have the Secretary read the act, if the Senator will allow it.

Mr. CUMMINS. Very well. I have no objection to hearing it.

Mr. BRANDEGEE. I send to the desk a paper published by the Committee on Commerce of the Senate, and ask the Secretary to read from it section 4 of the act to which I refer.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail, after receiving reasonable notice thereof, to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War, including the payment into the Treasury of the United States of the charges provided for by section 1 of this act: *Provided*, That Congress may revoke any rights conferred in pursuance of this act whenever it is necessary for public use, and, in the event of any such revocation by Congress, the United States shall pay the owners of any dam and appurtenant works built under authority of this act, as full compensation, the reasonable value thereof, exclusive of the value of the authority or franchise granted, such reasonable value to be determined by mutual agreement between the Secretary of War and the said owners, and in case they can not agree, then by proceedings instituted in the United States circuit court for the condemnation of such properties: *And provided also*, That the authority granted under or in pursuance of the provisions of this act shall terminate at the end of a period not to exceed 50 years from the date of the original approval of the project under this act, unless sooner revoked as herein provided or Congress shall otherwise direct: *Provided, however*, That this limitation shall not apply to any corporation or individual heretofore authorized by the United States, or by any State, to construct a dam in or across a navigable waterway, upon which dam expenditures of money have heretofore been made in reliance upon such grant or grants.

Mr. CUMMINS. Mr. President, in my opinion that bears no more resemblance to the provisions of this bill than though it were connected with a different subject. There the power of the Government is to be exercised whenever it desires to take the property for a public use; and, when it so desires, it takes it under laws and rules relating to eminent domain. That is not this case. This bill provides:

SEC. 5. That upon the termination for any cause whatever of the authority, rights, and privileges granted hereby, or any renewal thereof—

That these consequences shall follow.

Mr. NELSON. Will the Senator allow me to suggest, if the company should become bankrupt and could not proceed, would not that be operative?

Mr. CUMMINS. Certainly; or if it should decline to render any service.

Mr. NELSON. Yes.

Mr. CUMMINS. All those things might authorize the Government to revoke the permit; but I want to proceed a step further. The Senate will have observed in the reading of the section to which the Senator from Connecticut [Mr. BRANDEGEE] refers that there is no description of property to be taken and paid for such as is contained in this bill. That section does not say, as does this bill:

The reasonable value of the improvements and appurtenant works constructed under the authority of this act and of the property belonging to said corporation necessary for the development hereby authorized, exclusive of the value of the authority hereby granted. Said improvements and appurtenant works and property shall include the lands and riparian rights acquired for the purposes of such development, the dam and other structures, and also the equipment useful and convenient for the generation of hydroelectric power or hydromechanical power, and the transmission system from generation plant to initial points of distribution, but shall not include any other property whatsoever.

Here is a broad, general description of the property that must be taken by the Government. It may have some relation to the dam that is authorized here, but its relation may be so vague, it may be so remote, that it would be worse than folly for the Government of the United States to undertake to become its owner by condemnation. But that is not all.

Mr. BRANDEGEE rose.

Mr. CUMMINS. Mark, now, what follows:

Such reasonable value shall be determined by mutual agreement between the Secretary of War and the owners, and in case they can not agree, then by proceedings instituted in the United States district court for the condemnation of such properties.

There the general act closes, and the law relating to the value of property covers the procedure for the condemnation of the property. But mark what we have here:

The basis for determining the value shall be the cost of replacing the structures necessary for the development and transmission of hydroelectric power by other structures capable of developing and transmitting the same amount of marketable power with equal efficiency, allowance being made for deterioration, if any, of the existing structures in estimating such efficiency.

Mr. President, no court in Christendom has ever declared that that was the rule of condemnation. No court has ever declared that that is the rule for ascertaining the value of property when the Government undertakes to exercise its sovereign power in the way of fixing rates for the use of that property.

Mr. ROOT. Does the Senator say it is an unjust rule?

Mr. CUMMINS. I do.

Mr. ROOT. Why?

Mr. CUMMINS. I say it is a very unjust rule.

Mr. ROOT. Why?

Mr. CUMMINS. I am rather fresh from that question. We have for three days before the Interstate Commerce Committee been discussing that very proposition. We are about to undertake, I hope, to value the property of all the railroads in the United States, of all the common carriers in the United States, in order to furnish evidence to those to whom the information is material when the Interstate Commerce Commission comes to act or the courts come to act in cases in which the value of the property is material. It is true that the cost of reproduction, under some circumstances, may be one factor to be considered in ascertaining the value of property. It is not, however, the only factor, as has been declared by the Supreme Court of the United States and by every other court that has ever had occasion to deal with the subject. I think we would do the people of this country great injustice if we would bind them to pay, in the event the Government becomes the owner of this property, the cost of reproducing the property. All that the Government ought to pay, in any event, would be the fair value of the property for the purposes for which it was created. In ascertaining that fair value the cost of reproduction, the original cost, and the earning capacity possibly, all may be taken into account; but we are here binding the Government to a single criterion for the ascertainment of the value of property, and that, in all probability, a criterion which fixes the highest possible value that can be placed upon the property.

Mr. ROOT. Mr. President, it seems to me that these provisions limit the Government's liability; that they are all in the direction of the limitation of the Government's liability. We know perfectly well that the general course and tendency of electrical science is to increase the efficiency of machinery, to make it possible to produce a greater amount of electrical current from a given amount of water power; but this provision relieves the Government from the necessity of paying the cost of replacing the structures that may be there and limits its obligation, in case it sees fit to take the property, to the cost of replacing the structures necessary to develop the same amount of power.

Mr. CUMMINS. Precisely.

Mr. ROOT. Which, in the ordinary course of the development of the science, would be far smaller and far less expensive structures than were necessary years before. You can go to Niagara Falls to-day and produce the same amount of power that was manufactured by the original company that put up the first works there for the transformation of water power into electricity—you can put up structures that will reproduce the same amount of power for less than half what it cost the original company. The effect of that reduction is secured to the United States by this provision. Further, the United States is to have the benefit of an allowance for all deterioration in the property. So that these provisions, instead of imposing upon the Government a larger obligation, are limitations upon its obligations.

Mr. CUMMINS. Mr. President, that may or may not be true. It may be that at a given time the cost of reproduction is the lowest value; it may be that under other circumstances the cost of reproduction is the highest value that could be attached to the property. The riparian rights, the riparian property, and such other property as may be incident to the work proposed to be carried on by the Connecticut River Co. may become in 50 years or in 100 years of vastly more value than the entire physical structure and all the appurtenances connected with it.

We can not foresee what may happen, and if we are disposed to enter into the contract at all, all that we ought to do is to leave the law to determine the value of the property and not to attempt at this time to create one test of the value of the property and impose it to the exclusion of all others.

But that is not all. Allowance is made for deterioration, and then the bill provides:

If any of the existing structures in estimating such efficiency, together with the fair value of other properties herein defined, to which not more than 10 per cent may be added to compensate for the expenditure of initial cost and experimentation charges and other proper expenditures in the cost of the plant which may not be represented in the replacement valuation herein provided.

I think it very unsafe to attempt to set up any such standard of value. We have never attempted to do it in any other subject. It would be idle for Congress to attempt to set up a standard of value by which the railway company should be measured, and so it is unwise, because it is impossible for the mind to comprehend or conceive the conditions which may exist at the time the property is to be valued.

Therefore, Mr. President, for these three reasons—first, because we should not enter into any contract binding ourselves to take the property upon the uncertain event named in the bill; second, because the description of the property to be taken and paid for is so general and so broad that it may embrace a great deal of property that ought not to be taken by the Government under the rule which is contended for by the advocates of the bill; and, third, because we attempt here to institute a test or standard for the valuation of the property that is not recognized in the law, and that may work great injustice to the American people—I could not vote for the bill, although, as I said in the beginning, I am heartily in favor of a policy which will enable the Government to employ the instrumentalities in existence, in which it can do so with profit to itself, rather than to carry on or construct the improvement directly. Notwithstanding these things, the two defects I have pointed out are so serious and they establish, in my opinion, a precedent so dangerous that I could not give my assent to the bill.

Mr. GALLINGER. Will the Senator permit me?

Mr. CUMMINS. Certainly.

Mr. GALLINGER. I have been interested in the Senator's discussion of the question. There is a great deal of agitation in the public mind just now as to Government ownership of public utilities. I would like to ask the Senator this question. Supposing the Government concluded to take over the electric-lighting plant of the District of Columbia, as an illustration, upon what basis would the Senator think the Government ought to compensate the present owners? Would not the Senator think that they ought to get at least the full value of the property?

Mr. CUMMINS. Certainly. I would employ the word "fair" instead of "full."

Mr. GALLINGER. "Fair" is a better word.

Mr. CUMMINS. It is the word that is ordinarily used.

Mr. GALLINGER. It is a better word. It seems to me from the reading of the bill, as the Senate has read it, that is all that is contemplated in the bill that is now before us.

Mr. CUMMINS. On the contrary, as I look at it, if that rule were applied to any public-utilities company, at least any with which I am familiar, the chances are that the public would pay a great deal more than the fair value of the property for it.

I will give the Senator an illustration. In the taking over, we will say, of railroad property, if the Government were to undertake to become the owner of the railroad property of the country and pay for the terminals and for the rights of way through the country and through the cities and towns at the rate which adjoining property commands for other purposes, in my opinion the railroads would receive vastly more than the fair value of their property.

Mr. GALLINGER. I should think that was probably true.

Mr. CUMMINS. And just so in the city of Washington.

Mr. GALLINGER. But would not the Government in that transaction pay only what the corporation had paid?

Mr. CUMMINS. Not at all. On this theory it would pay the cost of reproduction. What is the cost of reproduction? It is the cost of going from one end of the line to the other and buying at prevailing rates or condemning under the rules of the law property at the value which that property now bears.

Mr. GALLINGER. I would not so construe it, but I may be wrong. I am not a lawyer. It seems to me it would be a reproduction on the basis of the original development, rather than saying that they should go out and buy other property equivalent in area at greatly increased prices beyond what the corporation paid.

Mr. CUMMINS. Moreover, suppose some new device or devices were to come into use that would obviate the generation of power in the way in which it is now generated. We can not tell what may happen in that respect. This bill would require us to pay for the reproduction value of the sort of property of the efficiency suggested here, namely, the efficiency of the plant originally constructed.

Mr. GALLINGER. It seems to me the Government could well afford to make generous compensation, rather than to build a competing line and go into a disastrous competition with a domestic corporation.

Mr. CUMMINS. Undoubtedly it could; but, after all, it ought to pay in every instance, if it pays anything, the fair value. As is well recognized by the courts, there is no single test for fair value. It is a result reached by consideration of many conditions, many circumstances, and many facts.

Mr. BRANDEGEE. Mr. President, I move that the Senate take a recess until 12 o'clock noon to-morrow.

The motion was agreed to, and (at 5 o'clock and 45 minutes p. m., Friday, February 14) the Senate took a recess until Saturday, February 15, 1913, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

FRIDAY, *February 14, 1913.*

The House met at 12 o'clock noon.

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

Our Father in heaven, lead Thou us on by the light of Thy grace. We do not ask to see the distant scene; one step is enough for us. Each day brings its own duties and responsibilities. Help us to discharge them in accordance with the light Thou hast given us, and give us strength to bear each burden, that we may be prepared for the next step; and all praise we will give to Thee; in the spirit of the Master. Amen.

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

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I call up the bill (S. 8314) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be considered in the House as in the Committee of the Whole. Is there objection?

Mr. BARTLETT. Reserving the right to object, I desire to ask the gentleman from Missouri how many of these bills he intends to call up and pass to-day?

Mr. RUSSELL. There are three—all Senate bills and all small ones. I believe it will not take more than 20 minutes to pass them, as I understand there will be no objection to them.

The SPEAKER. Is there objection.

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Kate Brown, widow of William N. Brown, late of Companies E and K, Sixty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James R. Haldeman, late first lieutenant Company E, One hundred and ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary Francis, widow of John A. Francis, late second lieutenant Company F, Eighteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Jane De Graw, widow of Charles R. De Graw, late of Company A, Twenty-second Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Carrie Engberg, widow of Peter Engberg, late of Company G, Seventh Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah E. McCann, widow of Francis McCann, late of Company K, Fourth Regiment Rhode Island Volunteer Infantry, and First Company, Second Battalion Veteran Reserve Corps, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Susan M. Sumner, widow of John H. Sumner, late captain Company A, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary J. Anderson, widow of James S. Anderson, late of Company G, One hundred and twenty-second Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Anderson, late of Company A, Sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John S. Rodgers, late of Independent Battery F, Pennsylvania Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John G. Myers, late of Company A, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew J. Furry, late of Company E, First Regiment United States Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles F. Cooken, late of Company F, Forty-fifth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Robertson, late of Company C, Fourteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Leslie, late of Company I, Fourth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Weber, late of Company C, Thirty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Ketzler, late of Company B, Fiftieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of August Schurman, late of Company B, Seventy-fourth Regiment New York Volunteer Infantry, and Company C, Twentieth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel J. Riley, late of Company C, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William E. Huestis, late of Company F, Fifth Regiment Kansas Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Orlina M. Cadwell, widow of George Cadwell, late of Company B, Forty-ninth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of George Warnick, late of Company H, One hundred and fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Louis M. Lea, late of Company D, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas F. Stevens, late of Company B, One hundred and twenty-second Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Darwin Zeek, late of Company E, One hundred and fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David F. Stewart, late of Company A, Fifth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Nathan Vanaman, late of Company D, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Johnson, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John N. Postlethwait, late of Company A, Eleventh Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Miller, late of Company H, Fifty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John O. Branson, late of Company B, One hundred and thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Adam P. S. Poisal, late of Company F, Second Potomac Home Brigade Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis M. Hanes, late of Company B, Eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John L. Skinner, jr., late second lieutenant Company E, One hundred and fortieth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John P. Glenn, late of Company B, Eighth Regiment Iowa Volunteer Cavalry, and Company D, Seventeenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William A. Stewart, late of Company A, Twenty-seventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William Turnbeaugh, late of Company E, Eighteenth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Julia A. Snedeker, widow of George W. Snedeker, late of Company C, Eighty-fifth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Gertrude M. Snedeker, helpless and dependent child of said George W. Snedeker, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Julia A. Snedeker the name of the said Gertrude M. Snedeker shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month, from and after the date of death of said Julia A. Snedeker.

The name of Martha R. Brown, widow of Preston W. Brown, late of Company I, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Elias Redmon, late of Company B, One hundred and twenty-fourth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Moffatt, late of Company B, Fifty-second Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Kate F. Sage, widow of George D. Sage, late paymaster's steward, U. S. S. North Carolina and Coeur de Leon, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Myra Van Winkle, widow of Barrack S. Van Winkle, late of Company H, Thirty-first Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles G. Glidden, late of Company C, Twenty-second Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clara V. King, widow of Charles King, late of Company B, First Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Griffey, late of Company H, Twenty-seventh Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Sarah F. Boynton, widow of David C. Boynton, late of Company B, Fifth Regiment Minnesota Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Emiles Pomeroy, late of Company K, Eighty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Fannie M. Page, widow of Fernando Page, late of Company K, Third Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Thomas Gannon, late of U. S. S. Sabine, Potomac, and Stockdale, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Orlan A. Hibbs, late of Company A, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Hall, late of Company B, Fourteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Francis, late of Company C, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marshall D. House, late of Company C, Sixteenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry McClure, late of Company G, Thirteenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Wood, widow of Warren M. Wood, late of Company E, Second Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Ephraim Benedict Murphy, alias Ephraim Benedict, late of Company B, Sixty-first Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jay Doty, late of Company C, Twenty-third Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lorenzo F. Nolan, late of Company I, Forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Erastus G. Cummings, late of Company I, Twentieth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Victoria L. McHone, widow of Lewis McHone, late second lieutenant Company B, Ninth Regiment Kansas Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Margaret L. Thompson, former widow of William B. Hooper, late of Company L, First Regiment New Jersey Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of Daniel Hand, late of Company K, Eighty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Horace C. Webber, late of Company L, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Stanley H. Husted, late of Company B, First Regiment Wisconsin Volunteer Heavy Artillery, and second lieutenant Company F, Twelfth Regiment United States Colored Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Cassiday, late of Company C, Second Regiment Maryland Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William L. Sheaff, late of Company I, One hundred and twenty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Louis C. Emmett, late of Company C, First Regiment Oregon Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Christian Bowman, late of Company D, Two hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Stephen Collar, late of Company F, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Baxter Johnson, late of Company I, Seventh Regiment Michigan Volunteer Infantry, and Company F, Twenty-eighth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Allen, widow of Charles G. Allen, late captain Company D, Fourteenth Regiment United States Colored Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Georgiana Packard, widow of George W. Packard, late of Company A, Ninth Regiment Kansas Volunteer Cavalry, and Company G, Eighth Regiment United States Veteran Volunteer Infantry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of Josephine E. Miller, widow of Abraham B. Miller, late pilot, U. S. S. Minnesota, United States Navy, and pay her a pension at the rate of $12 per month.

The name of Delia H. Austin, widow of John F. Austin, late captain Company M, Seventeenth Regiment Illinois Volunteer Cavalry, and

pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Wendell P. Hood, late of Company F, Forty-eighth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lucy Gamble, widow of David W. Gamble, late of Company C, Fifteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Elizabeth Croft, widow of William M. Croft, late of Company A, Ninth Regiment Pennsylvania Reserves Volunteer Infantry, and Company B, One hundred and ninetieth Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Stephen B. Johnson, late of Company I, Eleventh Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ferdinand O. Tennison, late of Company D, Third Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas Moody, late of Company F, Second Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Belknap, late of Company E, Nineteenth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

With the following committee amendments:

Page 2, line 21, strike out "$24" and insert "$20."
Page 6, strike out lines 9 to 12, inclusive.
Page 13, strike out lines 7 to 10, inclusive.

The amendments were severally read, considered, and agreed to.

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

Mr. RUSSELL. Mr. Speaker, I call up the bill (S. 8274) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of William Q. Mahan, late of Company G, Thirty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Elmer Howe, late of Company L, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Annie George, widow of Philip George, alias Archie Thompson, late of Company G, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Flavius J. Jordan, late of Company L, Thirteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ellen E. Payne, widow of Charles W. Payne, jr., late of Company C, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Sarah A. Perkins, widow of George A. Perkins, late of Company A, One hundred and eleventh Regiment New York Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Murphy, late of Company C, First Regiment New Hampshire Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John M. Guthrie, late of Company B, Twenty-fourth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Fannie L. Graham, widow of John L. Graham, late of Company B, Sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Reuben Bronson, late of Company E, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary E. Briggs, widow of Benajor A. Briggs, late of Company D, Thirtieth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susannah Elmore, former widow of James B. Long, late of Company G, Ninety-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of John Dodgion, late of Company F, Fifth Regiment Provisional Enrolled Missouri Militia, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Wiley C. Hunter, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of James A. Swaney, late of Company D, Fortieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Aldano Neal, late of Capt. Chandler's company, National Guards, New Hampshire Militia, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Samuel Elliott, late of Company A, Seventh Regiment Pennsylvania Reserves Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Cook, late of Company A, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry E. Hayes, late second lieutenant Company I, Tenth Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel M. Skelton, late of Company F, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elijah H. Spencer, late of Companies B and H, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James H. Cowan, late of Company K, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Chapman, late of Company B, Fourth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Warner P. Price, late of Company A, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Jacob Bowser, late of Company C, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry Basemann, late of Company E, Twelfth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Elmer Joseph, late of Company G, Fifty-third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lorenzo Birch, late of Company D, Eighty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Daniel Van Syckel, late of Company I, Forty-seventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick H. Williams, late of Company I, Thirty-first Regiment Wisconsin Volunteer Infantry, and Company E, Eighteenth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Titus Rexroad, now known as Titus S. Rector, late of Company A, One hundred and twenty-fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha A. Johnson, widow of Albert H. Johnson, late of Company H, First Battalion, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Moulton, late of Company K, Third Regiment Vermont Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of James B. Davis, late quartermaster sergeant Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sarah F. Elwell, widow of William H. Elwell, late acting ensign, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Lyman B. Gillett, late of Company K, Twenty-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Sarah J. Wilson, former widow of Reason H. Wilson, late of Company G, Fourteenth Regiment West Virginia Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Oliver Jones, late of Company G, Eighth Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Abel Grovenor, late captain Company C, Hatch's Independent Battalion Minnesota Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Henry Harris, late of Company D, First Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Byron M. Standish, late of Company K, One hundred and forty-fifth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jane Starrett, widow of William P. Starrett, late of Company F, One hundred and fifty-first Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of William H. Warren, late of Company C, Seventeenth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Sills, late of Company E, Second Regiment Potomac Home Brigade, Maryland Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James R. C. Fink, late of Company M, Second Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Arthur F. McNally, late of Company K, Twelfth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Walter Niles, late of Company A, Twenty-fourth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amos R. Sutton, late of Company K, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John H. Howlett, late of Capt. Degge's Company A, Fifth Battalion District of Columbia Militia Infantry, and pay him a pension at the rate of $12 per month.

The name of George W. Youngs, late of Company D, Sixth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Frankie E. Bedell, widow of Byron C. Bedell, late of Company L, Seventh Regiment Michigan Volunteer Cavalry, and Company C, Third Regiment Veteran Reserve Corps, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Joseph Cole, late of Company F, Thirty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jonas Skinner, late of Company E, Eighty-second Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William Monks, late captain Company K, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Inger A. Steensrud, widow of Anthon A. Steensrud, alias Anthony Olson, late of Company B, Sixth Regiment Wisconsin Volunteer Infantry, and Company B, Twenty-first Regiment Veteran Reserve Corps,

and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Renhard Habig, late of Battery H, First Regiment West Virginia Volunteer Light Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Marion O. Brown, late of Company C, Second Regiment Colorado Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John E. Watkins, late of Company G, Third Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel Green, late of Company H, Fifth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Batchelder, late of Company D, Fourth Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George H. Torrence, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Levi H. Hahn, late of Company I, Forty-fifth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Johnson, late of Company B, Eleventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Arbell Skaggs, widow of John C. Skaggs, late of Company E, Thirty-seventh Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Clara H. Scott, widow of David E. Scott, late of Company D, Twenty-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Charles W. Ash, late of Company C, Thirty-third Regiment, and Company I, Twenty-sixth Regiment, Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William H. Clouser, late of Company I, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas S. Underwood, late of Battery E, Third Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charlotte Lewis McMahon, widow of Michael McMahon, late of Company I, Eighth Regiment New York Volunteer Heavy Artillery, and former widow of Merritt Lewis, late of Company K, Seventh Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of George W. Thompson, late of Company D, Thirty-seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Frederick D. Skinner, late musician, band, Fifth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The name of Catherine Benson, widow of Andrew J. Benson, late of Battery B, First Regiment Michigan Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Putnam, late chaplain One hundred and sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ezekiel R. Thomas, late of Company D, Nineteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Lucius E. Fletcher, late of Company H, Fourth Regiment Wisconsin Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel E. Merriam, late of Company A, Tenth Regiment Vermont Volunteer Infantry, and Battery E, First Regiment United States Artillery, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William J. Heal, late of Company H, Fourth Regiment, and Company H, Nineteenth Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Andrew E. Clark, late captain Company F, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Isaac A. Conant, late of Company I, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Thomas McKenna, late of Company A, First Regiment Connecticut Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Ophelia A. Comstock, widow of Daniel E. Comstock, late of Company K, Twenty-seventh Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary J. Weeks, widow of William L. Weeks, late of Company I, Third Regiment New Hampshire Volunteer Infantry, and Company K, Fifteenth Regiment, and Company H, Second Regiment, New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Luriette S. Case, widow of John E. Case, late of Company E, Sixteenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Adaline Minnett, widow of Charles W. Minnett, late of Company F, Twenty-first Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John G. K. Ayers, late of Company H, Eighth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Anna M. Johnson, widow of John B. Johnson, late captain Company D, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Thomas B. Foutty, late of Company C, Second Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Moses Rowell, late of Company I, Eleventh Regiment, and Company I, Sixth Regiment, New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Huldah Nesbitt, former widow of Allen Nesbitt, late of Company K, Thirty-fifth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $20 per month.

The name of Charles S. Penley, late of Company H, Twenty-third Regiment Maine Volunteer Infantry, and unassigned company, Maine State Guards, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of David H. Gray, late of Company A, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Snyder, late of Company K, Thirty-first Regiment New Jersey Volunteer Infantry, and Company C, One hundred and thirty-fifth Regiment Ohio National Guard Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary M. Croft, widow of Charles I. Croft, late hospital steward, First Regiment California Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The name of Riley Hawley, late of Company I, Forty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Mary E. Workman, widow of Stephen H. Workman, late of Company G, One hundred and seventeenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hellen L. Chatfield, widow of Markus M. Chatfield, late of Company B, First Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Sanderson, late of Company A, Fifty-eighth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Caroline J. McBratney, widow of Sherman McBratney, late of Company M, Tenth Regiment Ohio Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The name of John C. Vennum, late of Company B, Seventy-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John Painter, late of Company C, First Regiment Arkansas Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lefford Mathews, late of Company D, First Regiment Arkansas Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Francis W. Crumpton, late of Company B, Second Regiment Missouri State Militia Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of John Wells, late of Company A, Second Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles Herbstreith, late of Company F, Eleventh Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Joseph Girdler, late of Company C, Second Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Harvey T. Smith, late of Company B, One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Francis M. Bishop, alias Marion F. Bishop, late first lieutenant Company E, First Regiment Michigan Volunteer Infantry, and captain Company H, Second Regiment United States Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Richard T. Blaikie, late of Company B, Eighty-second Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Marcellus B. Kent, late of Company I, Forty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of George W. Seymour, late of Company D, Twenty-second Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lucinda M. Fuller, widow of Henry A. Fuller, late of Company M, First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John Emanuel Smith, late of Twenty-sixth Unattached Company, Massachusetts Militia Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Catherine Soper, widow of Edward B. Soper, late of Company C, Twenty-second Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The following committee amendments were read:

Page 2, line 24, strike out "$40" and insert "$30."
Page 8, strike out lines 19 to 22, inclusive.
Page 9, strike out lines 23 and 24, and page 10, strike out lines 1 and 2.
Page 13, strike out lines 9 to 14, inclusive.
Page 19, strike out lines 9 to 12, inclusive.
Page 19, strike out lines 17 to 20, inclusive.

The amendments were severally read, considered, and agreed to.

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

Mr. RUSSELL. Mr. Speaker, I call up the bill (S. 8178) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent relatives of such soldiers and sailors, and I ask that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Missouri calls up the bill S. 8178, and asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Michael Liebhart, late of Company H, Twenty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William M. Copeland, late of Company D, Seventeenth Regiment Kansas Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of E. Belle Piatt, widow of Abraham S. Piatt, late colonel of the Thirteenth and Thirty-fourth Regiments Ohio Volunteer Infantry, and brigadier general, United States Volunteers, and pay her a pension at the rate of $12 per month.

The name of Charles Stewart, late of U. S. S. Morse, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Robert R. Whiteman, late of Company D, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Lasier, jr., late of Company A, Sixtieth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Stephen Rice, late of Company A, Second Regiment North Carolina Volunteer Mounted Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Isaac Henninger, late of Company B, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ira Lyle, late of Company K, Thirteenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Edgar W. Lauck, late of Company C, Fifteenth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George Alexander, late of Company G, First Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Frank Laflame, late of Company D, Seventy-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Carrie Kellogg, widow of Luman M. Kellogg, late of Company B, Fifty-third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Jerome McWethy, late of Company G, Second Regiment Michigan Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Mary J. Irwin, widow of George K. Irwin, late of Company E, Third Regiment Pennsylvania Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Monroe J. Potts, late captain Company G, Thirty-first Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Henry D. Jayne, late of Company E, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Samuel R. Vose, late of Company B, Sixth Regiment, and Company D, First Regiment, Michigan Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jacob Lingenfelter, late of Company B, Two hundred and sixth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Henry B. Spencer, late first lieutenant and adjutant, One hundred and forty-fourth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Hiram Rhodes, late of Company H, Nineteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Ozro M. Hale, late of Company E, Tenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Dennis McCarty, 2d, late of Campany F, Fifteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jesse Nott, late of Company G, Fifteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Susan E. Miller, widow of Samuel J. Miller, late of Company G, First Regiment Connecticut Volunteer Heavy Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Daniel Tracy, late of Company A, Seventy-seventh Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph A. Funk, late of Company D, One hundred and thirty-seventh Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Andrew W. Stevens, late captain Company K, One hundred and forty-second Regiment, Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Mallet, late of Company F, One hundred and twenty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Francis Kramer, late of Company F, One hundred and sixteenth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martin Ressler, late of Company G, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John Scherff, late of Company C, Forty-sixth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Gordon, late of Company E, Fifth Regiment Massachusetts Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Jackson Truit, late of Company D, Sixty-second Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Antram, late musician, band, Fifty-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Martha Ann Harvey, widow of George Harvey, late captain Company I, Thirty-first Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of John Chenoweth, late of Company B, Twenty-first Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joshua Eckman, late of Company K, Eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Charles T. Howard, late of U. S. S. Ohio, Massasoit, and North Carolina, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Frederick Buckmaster, late of Company C, Fourteenth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Emma C. Palmer, widow of Luzerne A. Palmer, late of Company C, Fifth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Henrietta P. Cowgill, widow of Thomas J. Cowgill, late of Company C, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Ellen S. Kirkham, widow of Calvin C. Kirkham, late of U. S. S. North Carolina and Satellite, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Cornelia M. Hale, widow of Nathan Hale, late of Company K, Seventeenth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James J. Hasson, late of Company E, Ninetieth Regiment, and Company A, Eleventh Regiment, Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Clement F. S. Aimes, late of Company D, Eighty-second Regiment New York Volunteer Infantry, and Company C, Seventh Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The name of Franklin W. Chapman, late of Company B, Thirty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Elizabeth A. Fisher, widow of John K. Fisher, late captain Company G, Sixteenth Regiment Pennsylvania Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of James Smith, late of Company A, Ninth Regiment West Virginia Volunteer Infantry, and Company B, First Regiment West Virginia Veteran Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Reuben Cooley, late of Company D, First Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of John T. Craddock, late of Company A, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Edward Brown, late of Company I, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of William T. Hutton, late of Company G, Thirtieth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of James Hawkins, late of Company B, Third Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John S. Edwards, late of Company I, Twenty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Samuel C. Planck, late of Company E, One hundred and twenty-ninth Regiment Ohio Volunteer Infantry, and Company H, Thirteenth Regiment Michigan Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David F. Eutsler, late of Company A, Eleventh Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Jasper Fleener, late of Company C, Twelfth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Job S. Sims, late of Company E, Seventy-ninth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of John J. Jameson, late of Company D, Second Regiment United States Volunteer Sharpshooters, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Charles T. Knight, late of Company G, Twenty-sixth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Cyrus N. Lyons, late of Company B, Twenty-first Regiment, and unassigned, Thirty-fourth Regiment, Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of George W. Jones, late of Company C, One hundred and forty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Joseph Troyer, late of Company M, Tenth Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Josephine M. Perry, widow of Andrew J. Perry, late of Company A, Third Regiment Rhode Island Volunteer Heavy Artillery, and Company D, Eleventh Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Oscar B. Vibert, late of Company A, Seventh Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Albert T. Wharton, late of Company F, Fourteenth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of David L. Denee, late of Company D, Fifteenth Regiment and Company I, Second Regiment, New Jersey Volunteer Infantry, and

pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary A. Bingaman, widow of Joseph A. Bingaman, late second lieutenant Company D, Sixteenth Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Nettie W. Sisson, helpless and dependent daughter of Henry T. Sisson, late colonel Fifth Regiment Rhode Island Volunteer Heavy Artillery, and pay her a pension at the rate of $12 per month.

The name of Emily J. Chambers, former widow of George W. Buffington, late of Company A, Eighth Regiment Iowa Volunteer Infantry, and widow of Thomas J. Chambers, late of Company E, First Regiment Washington Territory Mounted Volunteers, Oregon and Washington Territory Indian War, and pay her a pension at the rate of $12 per month.

The name of Sarah Tout, widow of William H. Tout, late of Company A, Thirty-fourth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Susan J. Littlefield, former widow of Isaac W. Watson, late of Company H, Seventeenth Regiment United States Infantry, and pay her a pension at the rate of $12 per month.

The name of Clinton E. Olmstead, late of Company K, Thirty-ninth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Daniel H. Strout, late of U. S. S. Sabine, Potomac, and Kanawha, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of John Miller, late of Company C, One hundred and fiftieth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Julius A. Record, late of Company C, Twenty-third Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of William L. Ham, late of Company B, Ninth Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Lucretia B. Crockett, widow of Benjamin B. Crockett, late of Company I, Sixteenth Regiment Maine Volunteer Infantry, and former widow of William W. Salisbury, late of Companies H and I, Sixteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of George W. Barrett, late of Company D, Forty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Olive Stull, widow of Jacob H. Stull, late first lieutenant Company D, One hundred and fourth Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John W. Culver, late of U. S. S. General Sherman, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Gustaf Swanson, late of Company B, Third Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Sophronia Dixon, widow of Henry C. Dixon, late second lieutenant Company H, Second Regiment Rhode Island Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Eben S. Welch, late of Company G, Twelfth Regiment New Hampshire Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Thomas C. Aldrich, late of band, Sixty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Emily S. Reader, widow of Charles E. Reader, late of Troop L, Sixth Regiment United States Cavalry, and Company K, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Clara A. Long, widow of Charles A. Long, late of Company G, One hundred and thirty-ninth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Maria L. Mann, widow of Henry P. Mann, late of Company D, Fifth Regiment Missouri State Militia Cavalry, and Company L, Second Regiment Ohio Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Mary J. Hubbard, widow of James H. Hubbard, late first lieutenant Company C, Thirty-second Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $25 per month in lieu of that she is now receiving.

The name of George W. Sumpter, late of Company K, One hundred and fifteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The name of Lurinda P. Barnes, widow of Milton H. Barnes, late of Company K, First Regiment New York Volunteer Light Artillery, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Milton H. Barnes until she reaches the age of 16 years.

The name of Electa Marsh, helpless and dependent child of Giles Marsh, late of Company G, Seventeenth Regiment Iowa Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The name of Edward A. Mace, late of Company L, First Regiment Maine Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Mary J. Van Orden, former widow of Reuben M. Knofsker, late of Company B, Twenty-first Regiment Wisconsin Volunteer Infantry, and widow of James W. Van Orden, late of Company C, Twenty-first Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Susan M. Wyatt, widow of Otis C. Wyatt, late captain Company B, First Regiment New Hampshire Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Luke Cassidy, late second lieutenant Company D, Thirty-fifth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Lewis F. Branson, late of Company M, Tenth Regiment, and Company C, Second Regiment, Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Amanda E. Glenn, widow of James C. Glenn, late of Company I, Eighth Regiment Missouri State Militia Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Solomon Kessinger, late of Company F, Twenty-fourth Regiment, and Company C, Twenty-first Regiment, Missouri Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Peter Binkley, late of Company B, Eleventh Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Edmond Melton, late of Company C, Sixteenth Regiment Missouri Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Eli W. Pierce, late of Company G, Sixth Regiment Missouri Volunteer Cavalry, and Company B, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The name of Melissa A. McGowan, widow of Alexander McGowan, late of Company I, First Regiment Wisconsin Volunteer Cavalry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Hannah Peavey, widow of Daniel Peavey, late of Company A, Seventh Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The following committee amendments were reported:

Page 2, strike out lines 5 to 9, inclusive.

On page 4, line 3, strike out the figures "$40" and insert in lieu thereof the figures "$30."

On page 12, strike out lines 3 to 6, inclusive.

On page 12, strike out lines 15 to 20, inclusive.

On page 12, strike out lines 21 to 24, inclusive.

On page 14, strike out lines 5 to 8, inclusive.

The committee amendments were agreed to.

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

ORDER OF PROCEDURE FOR TO-MORROW.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 835.

Resolved, That on Saturday, February 15, 1913, at 10 minutes of 12 o'clock a. m., pursuant to the resolution heretofore adopted accepting the invitation of the Senate to attend the memorial services to commemorate the life and character and public services of the Hon. JAMES S. SHERMAN, late the Vice President of the United States, the House shall proceed, with the Speaker, to the Senate Chamber, and at the conclusion of the services it shall return to this Chamber.

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

There was no objection.

The resolution was agreed to.

PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I call up the bill (H. R. 28672) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama calls up the bill H. R. 28672, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection,

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Mary Rebecca Carroll, widow of Zachariah H. Carroll, late of Company A, Twelfth United States Regiment, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Frederick Burnett, late of Troop M, Eighth Regiment United States Cavalry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of William A. Hickey, late of Company C, First Regiment District of Columbia Volunteer Infantry, and Company C, Forty-fifth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Sophia C. Neil, dependent mother of Charles T. Neil, late of Company F, First Regiment Tennessee Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Sara Jane Staddon, widow of Julian Staddon, late of Company B, Twelfth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional on account of each of four minor children of the soldier until they respectively reach the age of 16 years.

The name of Ada Hurst, widow of Curtis Hurst, late of Company L, Sixth Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional on account of each of four minor children of the soldier until they respectively reach the age of 16 years.

The name of James H. Williams, late of Battery K, Fifth Regiment United States Artillery, and pay him a pension at the rate of $10 per month.

The name of Ann E. Timmons, widow of Patrick Timmons, late a landsman, U. S. S. Germantown, United States Navy, War with Mexico, and pay her a pension at the rate of $12 per month.

The name of Georgia Kelley, widow of Albert Kelley, late of Company G, Ninth Regiment Illinois Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month, with $2 per month additional on account of each of two minor children of the soldier until they reach the age of 16 years.

The name of Sylvia Call, late nurse, Medical Department, United States Army, War with Spain, and pay her a pension at the rate of $12 per month.

The name of Susan McGrath, widow of John McGrath, late of Troop C, Seventh Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of Alfred Skibbe, late of Company K, Thirtieth Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Walter P. Norris, late of Company D, Fourth Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $8 per month.

The name of Jesse M. Dobbs, late of Company K, Tenth Regiment United States Infantry, and pay him a pension at the rate of $12 per month.

The name of Margaret Fynaut, widow of Peter Fynaut, late of Company I, Two hundred and third Regiment New York Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The name of M. B. Sasser, late of Company A, Second Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Joseph J. Caldwell, late of Company H, One hundred and sixty-first Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The names of Devereaux Shields, Thomas C. Shields, and Margaret G. Shields, minor children of Devereaux Shields, late captain Company F, Twenty-ninth Regiment United States Volunteer Infantry, War with Spain, and pay them a pension at the rate of $20 per month, with $2 per month additional on account of each child until they respectively reach the age of 16 years.

The name of Zorel Tipton, late of Company M, Nineteenth Regiment United States Infantry, and pay him a pension at the rate of $40 per month.

The name of Courtenay A. Stovall, widow of Marcellus A. Stovall, late of Capt. Robertson's company, Georgia Mounted Volunteers, Florida War with Seminole Indians, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Theo Rasner, late of Company F, Twenty-third Regiment United States Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The name of Charles L. Quaintance, late private of Company C, Fifth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $15 per month.

The name of George W. Platter, late of Company I, Fifth Regiment Pennsylvania Volunteer Infantry, War with Spain, and pay him a pension at the rate of $6 per month.

The name of Jean L. Peabody, late of Company L, Twelfth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Robert M. Leef, late of Company G, First Regiment Illinois Volunteer Cavalry, War with Spain, and pay him a pension at the rate of $14 per month in lieu of that he is now receiving.

The name of Marshall V. Vaden, late of Company D, Signal Corps, United States Army, War with Spain, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of William Dotson, late of Company I, Eighth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of William Cunagim, late of Fifty-eighth Company, Coast Artillery, United States Army, and pay him a pension at the rate of $12 per month.

The name of Jennette Rice, widow of John O. Rice, late of Company I, Third Regiment Tennessee Volunteer Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 2829. Mary Rebecca Carroll.
H. R. 3720. Frederick Burnett.
H. R. 4798. William A. Hickey.
H. R. 5237. Sophia C. Neil.
H. R. 6707. Sara Jane Staddon.
H. R. 6990. Ada Hurst.
H. R. 8541. James H. Williams.
H. R. 11981. Ann E. Timmons.
H. R. 12654. Georgia Kelley.
H. R. 13053. Sylvia Call.
H. R. 20565. Susan McGrath.
H. R. 21182. Alfred Skibbe.
H. R. 21517. Walter P. Norris.
H. R. 23551. Jesse M. Dobbs.
H. R. 23756. Margaret Fynaut.
H. R. 24210. M. B. Sasser.
H. R. 24239. Joseph J. Caldwell.
H. R. 24542. Devereaux, Thomas C., and Margaret G. Shields, minor children.
H. R. 24748. Zorel Tipton.
H. R. 24903. Courtenay A. Stovall.
H. R. 25298. Theo Rasner.
H. R. 25448. Charles L. Quaintance.
H. R. 26070. George W. Platter.
H. R. 26301. Jean L. Peabody.
H. R. 27023. Robert M. Leef.
H. R. 27060. Marshall V. Vaden.
H. R. 27904. William Dotson.
H. R. 28317. William Cunagim.
H. R. 28551. Jennette Rice.

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

Mr. RICHARDSON. Mr. Speaker, I call up the bill S. 8275, an act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to certain widows and dependent relatives of such soldiers and sailors, and I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama calls up the bill S. 8275, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of John W. Slaughter, late of Company L, Second Regiment Kentucky Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of Warren Hilliard, late of Company B, Eighteenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $8 per month.

The name of Louisa A. Thatcher, widow of Joseph L. Thatcher, late carpenter, United States Navy, and dependent mother of William J. Thatcher, late chief turret captain, U. S. S. Georgia, United States Navy, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The name of George Holledere, late of Troop I, Third Regiment United States Cavalry, and pay him a pension at the rate of $12 per month.

The name of Charles W. Camp, late of Company M, Twenty-seventh Regiment United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The name of George R. Smith, late of Company B, One hundred and sixtieth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

The name of Edward Seaton, late of Company K, Forty-fourth Regiment United States Volunteer Infantry, and pay him a pension at the rate of $15 per month in lieu of that he is now receiving.

The name of Florida Kennerly, widow of Pierre M. Kennerly, late of Capt. McKinstry's Volunteers, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of Charles M. Baughman, late of Company K, Sixth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $30 per month.

The name of Elizabeth S. Lewerenz, widow of Alfred C. Lewerenz, late civil engineer, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of said Alfred C. Lewerenz until he reaches the age of 16 years.

The name of Minnie Wadsworth Wood, widow of Oliver E. Wood, late colonel, Artillery Corps, and brigadier general, United States Army, retired, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Francis Redmond, late of Troop K, Ninth Regiment United States Cavalry, and Hospital Corps, United States Army, and pay him a pension at the rate of $12 per month.

The name of Charles E. Harris, late of Company G, Tenth Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Annie V. Smith, widow of Sebree Smith, late captain, Third Regiment United States Artillery, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The name of Barbara B. Haws, widow of William Haws, late of Capts. Robert Thomas and Coleman Boren's companies, Utah Volunteers, Utah Indian war, and pay her a pension at the rate of $12 per month.

The name of Martha A. Hughes, widow of Edward M. Hughes, late commander, United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Charles L. Stevens, late of Troop E, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $16 per month.

The name of Emily W. Tilley, widow of Benjamin F. Tilley, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of James McMahon, late of Company B, Twenty-sixth Regiment United States Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The name of Israel Wood, late of Company K, First Regiment Oregon Riflemen, Cayuse Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of George W. Thurman, late of Capt. Abel George's Company B, Second Regiment Oregon Mounted Volunteers, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Andrew G. Aiken, late of Capt. William H. Harris's company of Minute Men, Ninth Regiment Oregon Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of James P. Bartlett, late of Capt. William Strong's Company A, Washington Mounted Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Mary F. Read, widow of Thomas Read, late of Company A, Fourth Regiment United States Infantry, War with Mexico, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of William Cornell, late of Company M, First Regiment United States Volunteer Engineers, War with Spain, and pay him a pension at the rate of $10 per month.

The name of Michael Hoffman, late of Company B, United States Mounted Rifles, Texas and New Mexico Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Ornan F. Hibbard, late of Capt. Hiram Wilbur's Company B, First Regiment Oregon Volunteers, Oregon and Washington Territory Indian war, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Emma Myers, widow of Fred Myers, late of Troop K, Sixth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The name of Frederick M. Douglass, late of Capt. Stewart's company, First Regiment Florida Mounted Volunteers, Seminole Indian War, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The name of Sara S. Dowdy, widow of Robert W. Dowdy, late major, Twenty-sixth Regiment United States Infantry, and pay her a pension at the rate of $25 per month.

The name of Green Hines, dependent father of Hilton P. Hines, late of Company F, Second Regiment United States Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The name of Esther B. Shultz, widow of Joseph S. Shultz, late civil engineer, with rank of lieutenant, United States Navy, and pay her a pension at the rate of $35 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said Joseph S. Shultz until she reaches the age of 16 years.

The foregoing bill is a substitute for the following Senate bills referred to the Committee on Pensions:

S. 199. John W. Slaughter.
S. 443. Warren Hilliard.
S. 824. Louisa A. Thatcher.
S. 1360. George Hollederer.
S. 1766. Charles W. Camp.
S. 2213. George R. Smith.
S. 3669. Edward Seaton.
S. 3720. Florida Kennerly.
S. 3845. Charles M. Baughman.
S. 3943. Elizabeth S. Lewerenz.
S. 5751. Minnie Wadsworth Wood.
S. 5778. Francis Redmond.
S. 6015. Charles E. Harris.
S. 6236. Annie V. Smith.
S. 6969. Barbara B. Haws.
S. 7016. Martha A. Hughes.
S. 7088. Charles L. Stevens.
S. 7097. Emily W. Tilley.
S. 7228. James McMahon.
S. 7320. Israel Wood.
S. 7347. George W. Thurman.
S. 7436. Andrew G. Aiken.
S. 7458. James P. Bartlett.
S. 7579. Mary F. Read.
S. 7739. William Cornell.
S. 7756. Michael Hoffman.
S. 7808. Ornan F. Hibbard.
S. 7860. Emma Myers.
S. 7930. Frederick M. Douglass.
S. 7950. Sara S. Dowdy.
S. 8015. Green Hines.
S. 8074. Esther B. Shultz.

The following committee amendments were read:

On page 1, line 8, strike out the figures "20" and insert the figures "12."

The amendment was agreed to.

On page 2, strike out lines 4 to 9, inclusive.

The amendment was agreed to.

On page 2, line 16, strike out the figures "20" and insert the figures "16."

The amendment was agreed to.

Page 2, lines 17 to 20, strike out the following: "the name of George R. Smith, late of Company B, One hundred and sixtieth Regiment Indiana Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month."

The question was taken, and the amendment was lost.

On page 3, strike out lines 5 to 7, inclusive.

The amendment was agreed to.

On page 3, strike out lines 8 to 13, inclusive.

The amendment was agreed to.

On page 3, strike out lines 14 to 18, inclusive.

The amendment was agreed to.

On page 4, strike out lines 5 to 8, inclusive.

The amendment was agreed to.

On page 4, strike out lines 13 to 15, inclusive.

The amendment was agreed to.

On page 4, strike out lines 20 to 23, inclusive.

The amendment was agreed to.

On page 4, strike out lines 24 and 25, and page 5, strike out lines 1 and 2.

The amendment was agreed to.

On page 5, strike out lines 3 to 6, inclusive.

The amendment was agreed to.

On page 5, strike out lines 7 to 11, inclusive.

The amendment was agreed to.

On page 5, strike out lines 12 to 16, inclusive.

The amendment was agreed to.

On page 6, strike out lines 1 to 4, inclusive.

The amendment was agreed to.

On page 6, strike out lines 5 to 9, inclusive.

The amendment was agreed to.

On page 6, strike out lines 13 to 16, inclusive.

The amendment was agreed to.

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

Mr. RICHARDSON. Mr. Speaker, I call up the bill (H. R. 28746) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and of wars other than the Civil War, and to widows of such soldiers and sailors, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws—

The name of Henrietta Stuart, widow of John A. Stuart, alias John Vanderpool, late of United States steamer Saratoga, United States Navy, War with Mexico, and pay her a pension at the rate of $12 per month.

The name of Eugene J. Pierrelee, late of Company F, First Regiment South Dakota Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of John Middleton, late of Troop H, Fourth Regiment United States Cavalry, and pay him a pension at the rate of $18 per month in lieu of that he is now receiving.

The name of Laura S. Converse, widow of George A. Converse, late rear admiral, United States Navy, and pay her a pension at the rate of $50 per month in lieu of that she is now receiving.

The name of Bertha A. Mulhall, widow of Stephen J. Mulhall, late first lieutenant, Fourteenth Regiment United States Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The name of John H. Gray, late of Company A, First Regiment Tennessee Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of William H. Brown, late of Company E, Fifth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The name of Franziska Nimtz, widow of Albert Nimtz, late of First Band, Artillery Corps, United States Army, and pay her a pension at the rate of $12 per month.

The name of Margaret A. Montague, widow of Daniel Montague, late chief boatswain, United States Navy, and pay her a pension at the rate of $25 per month, with $2 per month additional on account of each of three minor children of the sailor until they respectively reach the age of 16 years, in lieu of that she is now receiving.

The name of Belle McP. McCrackin, widow of Alexander McCrackin, late captain in the United States Navy, and pay her a pension at the rate of $40 per month in lieu of that she is now receiving.

The name of Charles W. Wood, late of Company L, Fourth Regiment Ohio Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The foregoing bill is a substitute for the following House bills referred to the Committee on Pensions:

H. R. 195. Henrietta Stuart.
H. R. 9044. Eugene J. Pierrelee.
H. R. 9619. John Middleton.
H. R. 11352. Laura S. Converse.
H. R. 11979. Bertha A. Mulhall.
H. R. 17176. John H. Gray.
H. R. 17771. William H. Brown.
H. R. 18561. Franziska Nimtz.
H. R. 24852. Margaret A. Montague.
H. R. 27109. Belle McP. McCrackin.
H. R. 27954. Charles W. Wood.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

JAMES PARSONS.

Mr. HAY. Mr. Speaker, I call up the bill (H. R. 24661) for the relief of James Parsons. This is a bill to remove the charge of desertion. I ask unanimous consent to consider the bill in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, let us first hear the bill read.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James Parsons shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant of Company D, Second Regiment Colorado Volunteer Cavalry: *Provided*, That no pension shall accrue prior to the passage of this act.

The SPEAKER. Is there objection to considering the bill in the House as in Committee of the Whole? [After a pause.] The Chair hears none.

The Clerk again read the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

SYLVESTER G. PARKER.

Mr. HAY. Mr. Speaker, I call up the bill (S. 5262) for the relief of Sylvester G. Parker, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, let us have the bill reported first.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged volunteer officers, Sylvester G. Parker, who was a captain of Company H, Sixty-third Illinois Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as of said organization on the 4th day of September, 1863: *Provided*, That no pension, bounty, or arrears of pay shall become due or payable by reason of the passage of this act.

The SPEAKER. Is there objection to considering the bill in the House as in Committee of the Whole?

There was no objection.

The Clerk again reported the bill.

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

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

LEWIS F. WALSH.

Mr. HAY. Mr. Speaker, I call up the bill (S. 3873) for the relief of Lewis F. Walsh. This is a bill to remove the charge of desertion, and I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That in the administration of the pension laws Lewis F. Walsh, who was a private in Company C, Third Regiment Michigan Volunteer Cavalry, shall hereafter be held and considered to

have been honorably discharged from the military service of the United States as a member of said organization on the 25th day of November, 1864: *Provided*, That no pension shall accrue prior to the approval of this act.

Mr. LAFFERTY. Mr. Speaker, I move to strike out the last word. I desire to say a few words relating to the rules of the House touching the Private Calendar. Clause 6 of Rule XXIV provides that on Friday of each week, after routine business is disposed of, it shall be in order for any Member to move that the House resolve itself into Committee of the Whole House for the purpose of considering bills on the Private Calendar, preference being given on the second and fourth Fridays of each month to private pension claims and bills to remove charges of desertion, and on the other two Fridays of each month preference being given to claims reported from the Committee on Claims and bills from other committees of the House which are of a private nature. I have served in this House one term—three sessions—and the bills on the Private Calendar reported from the Committee on Claims, the Committee on the Public Lands, and other committees that fall within the second class referred to in the rule have never been reached upon the docket, so to speak. They never will be reached during this Congress. It will not do to say that Members could by diligence get meritorious bills passed under present rules. Not a single bill on the Private Calendar of the class referred to has been considered on regular call during any of the three sessions of the Sixty-second Congress. The only two bills that I am interested in personally were reported at the very beginning of the Sixty-second Congress and have never been reached on a regular call. When the Private Calendar has been called twice as a matter of grace, as a unanimous-consent calendar, both these bills have been objected to, and all other Members having private bills have met with the same trouble. It is not right. This calendar should be called and bills voted on upon their merits. It is not so called, and bills from the Private Calendar can not be put upon the regular biweekly Unanimous Consent Calendar, a privilege which all other bills enjoy. I think private bills should also enjoy that privilege, which would relieve matters greatly. People having claims against the United States which must be presented to the committees of Congress are absolutely remediless unless the rules of this House be changed. On the second and fourth Fridays the House usually resolves itself into the Committee of the Whole for the purpose of considering pension legislation, but on the first and third Fridays a motion is always made by the chairman of some committee that the House resolve itself into the Committee of the Whole House for the purpose of considering some appropriation bill, or some other course is taken which prevents the Private Calendar from being called. About 10 days ago an order was adopted that on Monday last the House should take a recess at 5 o'clock in the afternoon until 8 o'clock in the evening, at which time the Private Calendar should be called for the purpose of considering such bills thereon as I am now referring to as should not be objected to.

After calling something like half of the private bills upon the calendar, and every single, solitary bill, with one exception, was objected to, the House adjourned. The proceeding was farcical. Another order has been entered for a second call of this calendar as a unanimous-consent calendar to-night, excepting the bills which were objected to or called on last Monday evening. The result will be that none of these bills will be passed at this session of Congress, or even considered. I say that it devolves upon this House and upon the Committee on Rules, if it is going to do justice to the people of the United States, to amend the rules providing that this calendar shall be called during the sessions of Congress, and I would merely suggest that when it is called as a unanimous-consent calendar that the rule might be changed so that it would require the objections of at least three Members instead of one to require that a bill be passed over. These claims, nearly every one, represent bread and butter in the mouth of some individual, and you place rancor in the heart of every citizen of this country who comes here with a just claim and has it considered by the Committee on Claims, has its merits thoroughly gone over, has it favorably reported and presented to this House, and it is then shut off from any consideration during three long sessions of Congress by an objection of a single capricious individual. [Applause.] That is not the way to make patriotic citizens. That is not the way to do business. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, under the rules Friday is set apart for the consideration of business on the Private Calendar, two days in the month being specially devoted to pension bills and bills to remove charges of desertion, the other Fridays being devoted to bills on the calendar. During this Congress, I believe, the Private Calendar has been under consideration more days than during any other Congress during my service in the House. If the gentlemen who introduce bills will persist in neglecting to call attention to the bills and not get them reported early at the first regular session of Congress, they ought not to expect that when those bills are reported at the second regular session there will be time enough to obtain consideration for them, because it is impossible to get through with the consideration of public bills at the second regular session of Congress if all the special days are devoted to special business which is permissible under the rules. The Private Calendar now is very long. Most of the bills upon the Private Calendar now have been reported at this session of Congress, and I think everyone has understood that, in the main, in the reporting of these bills, it amounts to nothing, unless they pass by unanimous consent, except an expression of opinion on the part of a committee which may report the same bills early in the next Congress. That has always been the experience and doubtless always will be. There are bills enough on the Private Calendar which, if considered under the rules of the House in regular order, would occupy all the days in a long session of Congress before they could be passed.

The SPEAKER. The gentleman from Oregon withdraws his pro forma amendment, and the Clerk will read.

The bill was again read.

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

WILLIAM HOMMELSBERG.

Mr. HAY. Mr. Speaker, I call up the bill H. R. 2839.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 2839) for the relief of William Hommelsberg.

Be it enacted, etc., That in the administration of the pension laws William Hommelsberg shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, First Regiment United States Cavalry, on the 30th day of November, 1865.

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

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would desire to have some information on this bill, or, rather, what the record of this gentleman shows.

Mr. HAY. Mr. Speaker, I will ask the Clerk to read the report.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Report to accompany H. R. 2839.

The Committee on Military Affairs, to whom was referred the bill (H. R. 2839) for the relief of William Hommelsberg, having considered the same, report thereon with a recommendation that it do pass.

This soldier had nearly five years of meritorious war service. He participated, according to evidence submitted, in a dozen of the greatest battles of the Civil War. After the war was over he went upon a spree and deserted to go to his home. This bill does not remove that charge, but under the circumstances of the splendid war record of this soldier the committee believes he should at this late date receive a pensionable status.

THE STORY OF THE SOLDIER.

STATE OF MICHIGAN, *County of Eaton, ss:*

In re the matter of H. R. 2839, for the relief of William Hommelsberg.

William Hommelsberg, of the city of Charlotte, Mich., being first duly sworn, deposes and says that I am the identical person who served during the war of the late rebellion in Company B, First United States Cavalry; that I enlisted on the 21st day of June, 1860, and that I served until the 12th day of July, 1864, when I received an honorable discharge; that I immediately reenlisted in the same day in same company and regiment for three years, and served until the 30th day of November, 1865, when I was granted a furlough for a few days to visit at Baton Rouge, La.; that during my furlough I fell in with some companions, went on a spree and became intoxicated, and when I sobered up found myself in Cairo, Ill., without money to return to my regiment, and being informed that the war was over did not report back for duty.

That during the War of the Rebellion I fought in the battles of Williamsburg, Va.; White Oak Swamp, Va.; Peach Orchard, Va.; Seven Pines, Va.; Fair Oaks, Va.; Gaines Mills, Va.; Malvern Hill, Va.; Bottoms Bridge, Va.; Mechanicsville, Va.; Yellow Tavern, Va.; Antietam, Md.; Gettysburg, Pa.; Wilderness, Va.; Spotsylvania, Va.; Cold Harbor, Va.; Winchester, Va.; Cedar Creek, Va.; Fishers Hill, Va.; Five Forks, Va.

And all other engagements of which my regiment bore an honorable part; that I was slightly wounded in the knee at the battle of Cedar Creek, Va.; and also received a saber stroke during one of our engagements in the Shenandoah Valley, but did not give up and go to a hospital; that during my whole service I was never disciplined, reported off duty, or violated any military rules or regulations; that I have no hospital record, and was always found in my place with my regiment ready to perform my duty as a faithful soldier; that I fought in many skirmishes and took part in the many arduous duties with my regiment besides the battles above mentioned, all of which I performed in a soldierly and patriotic manner, enduring the fatigue and hardships incident to Army life; that I am now past 70 years of age; that I live in a small board shanty just outside the corporation of Char-

lotte, Mich.; that I am not married and have no children; that my only means of support is from gardening 1 acre of land; that my only property consists of 3 acres of low, wet land (1 acre being tillable), valued at $150; that I belong to and am a member of A. S. Williams Post, No. 40, Grand Army of the Republic, of Charlotte, Mich.; that my health is bad, and am poor and needy.

WILLIAM HOMMELSBERG.

Subscribed and sworn to this 6th day of March, 1912.
[SEAL.] JONATHAN D. BUTLER,
Notary Public.

My commission expires January 18, 1912.

STATE OF MICHIGAN, *County of Eaton, ss:*

In re the matter of H. R. 2839, for the relief of William Hommelsberg.

Asa N. Smart, of the city of Charlotte, Mich., being duly sworn, deposes and says that he is commander of the A. S. Williams Post, No. 40, Grand Army of the Republic, of the city of Charlotte, Mich.; that he has known William Hommelsberg for many years; said Hommelsberg is a member of said A. S. Williams Post; he is regarded as a good, worthy member; that he is also well regarded by his neighbors; that he is a man of good character, industry, and habits, and our citizens speak well of him; that his only property consists of 3 acres of low, wet land, of which he has a garden of about 1 acre, and he has a small board shanty thereon in which he lives alone; that he is now past 70 years of age and unable to work; that he is not married and has no children. This comrade is in need, and our post members are rendering such aid as they can.

ASA N. SMART.

Subscribed and sworn to before me this 6th day of March, 1912.
[SEAL.] JONATHAN D. BUTLER,
Notary Public.

My commission expires January 18, 1912.

The SPEAKER. Is there objection?

Mr. SABATH. Mr. Speaker, due to the excellent record of this soldier, I withdraw my objection.

Mr. TAGGART. Mr. Speaker, reserving the right to object, I am almost constrained to inquire upon what occasion and under what propitious circumstances there must have been a quorum of that committee present. I had a case presented to that committee of a man who was shot out of the Army instead of drinking himself out of the Army. He was wounded in one of the first engagements of the war, fought in a great number of great battles——

Mr. HAY. I did not understand what the gentleman said about the quorum of the committee.

Mr. TAGGART. I beg the gentleman's pardon.

Mr. HAY. I did not understand what the gentleman said about the quorum of the committee.

Mr. TAGGART. Whenever I had, and I assume also whenever anybody else had, one of these cases to present to that committee there was not a quorum present.

Mr. HAY. Well, the gentleman is mistaken about that. The bill could not have been reported without a quorum, and if the gentleman is so unfortunate as not to have been present when there was a quorum present it is his fault and not the fault of the committee.

Mr. TAGGART. I will proceed to disclose a case when I was present when there was a quorum. It is the case of a man who was wounded and went through life with a crippled hand. It was favorably passed upon by the subcommittee and by the committee, and afterwards his case was taken up and rescinded by the committee. I have arrived at the conclusion that a man is deserving of greater credit at this time for fighting booze while in the Army than fighting the enemy. But I do not want to become captious about these things. I do not want to claim that there was any personal discourtesy shown to me, but I have endeavored to present cases to that committee and never was able to find a quorum of them present except once. I am astonished that there is one case that was successfully presented to the committee.

The SPEAKER. The time of the gentleman from Kansas [Mr. TAGGART] has expired.

Mr. TAGGART. Mr. Speaker, I withdraw my objection to this bill.

The SPEAKER. Is there objection to considering this bill in the House as in Committee of the Whole? [After a pause.] The Chair hears none. The Clerk will report the bill.

The bill was again read.

Mr. HAY. Mr. Speaker, I offer the following amendment.

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

The Clerk read as follows:

Add at the end of the bill the following: "*Provided*, That no pension, bounty, or allowances shall accrue by reason of this act."

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

Mr. TAGGART. Mr. Speaker, I wish to inquire at what date the desertion of this soldier is alleged to have occurred? Was it the 30th day of November, 1865?

The SPEAKER. The 30th day of April, 1865, or somewhere along there.

Mr. TAGGART. If he served until the 1st day of May, 1865, he is pensionable under the statute of 1889, without any private bill.

Mr. COX. Mr. Speaker, will the gentleman from Virginia [Mr. HAY], in charge of the bill, yield to an inquiry?

Mr. HAY. I will. It is not my bill, but a bill of the gentleman from Michigan [Mr. J. M. C. SMITH].

Mr. COX. I would like to ask the gentleman if, since he has been chairman of that great committee, there has been a bill introduced here removing the charge of desertion and securing a pension?

Mr. HAY. No; the committee can not do that, for the reason that we can not change the record of the War Department.

Mr. COX. If the gentleman's amendment is carried here, will that give the soldier a pensionable status?

Mr. HAY. It will.

Mr. MANN. The gentleman's amendment will permit any pension prior, or for back pay.

Mr. COX. From the time of the adoption of the bill the soldier, then, notwithstanding the amendment to it, will be entitled to a pension?

Mr. HAY. He will be entitled to apply for a pension.

Mr. MANN. He will be entitled to apply for a pension.

Mr. COX. Why I am trying to get at it is because I have a case in my district which appeals to me very strongly.

Mr. HAY. I will say to the gentleman that this is a provision which is put on all of these bills, and it does not prevent a soldier from applying for and obtaining a pension if in other respects he is entitled to one.

Mr. COX. In other words, then, the effect of this bill, with the amendment, will be to remove the charge of desertion?

Mr. HAY. Will give him a pensionable status.

Mr. COX. If he can make his case out before the Bureau of Pensions he can go ahead and get a pension?

Mr. HAY. That is right.

Mr. SHERWOOD. How much back pension will this permit this soldier to draw?

Mr. HAY. He will draw no back pension at all.

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

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

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

FRANCIS GRINSTEAD, ALIAS FRANCIS M. GRINSTEAD.

Mr. HAY. Mr. Speaker, I desire to call up the bill (S. 186) for the relief of Francis Grinstead, alias Francis M. Grinstead, which is a desertion bill, and I ask unanimous consent to consider the bill in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider the bill in the House as in the Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 186) for the relief of Francis Grinstead, alias Francis M. Grinstead.

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of Francis M. Grinstead, late of Company G, Third Regiment Kentucky Volunteer Cavalry, and grant him an honorable discharge.

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

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

SPEAKER PRO TEMPORE AT EVENING SESSION.

The SPEAKER. The Chair designates the gentleman from Missouri, Mr. LLOYD, to preside at the session to-night.

LEWIS WOOD.

Mr. HAY. Mr. Speaker, I call up the bill (H. R. 18727) for the relief of Lewis Wood. I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Virginia asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 18727) for the relief of Lewis Wood.

Be it enacted, etc., That in the administration of the pension laws Lewis Wood, who was captain of Company E, Seventy-seventh Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 11th day of November, 1862.

Mr. HAY. Mr. Speaker, I offer an amendment, the same as that I offered to the other bill, providing that no pension,

bounty, or allowances shall accrue prior to the passage of this act.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the bill by adding, at the end of line 9, *"Provided,* That no pension, bounty, or allowances shall accrue by reason of this act."

Mr. MANN. I think the gentleman does not mean that no pension shall accrue on account of this act, because that is the purpose of the act.

Mr. HAY. It should read "prior to the passage of this act."

Mr. MANN. That is not the way the Clerk read it.

The SPEAKER. The Clerk will again report the amendment.

The Clerk read as follows:

Provided, That no pension, bounty, or allowances shall accrue by reason of this act.

Mr. HAY. It should be "prior to the passage of this act."

Mr. CRUMPACKER. Mr. Speaker, if the gentleman from Virginia will allow a suggestion, the amendment that the Clerk read was the one that was agreed to in connection with the preceding bill. I suggest that the amendment to that bill ought to be corrected.

The SPEAKER. How does the gentleman want this amendment to read?

Mr. HAY. It should read "accrue prior to the passage of this act."

Mr. SABATH. If that amendment is adopted it will give him the right to apply for a pension after the act is passed?

Mr. HAY. Yes.

Mr. SABATH. Was that the custom before?

Mr. HAY. Always.

Mr. SABATH. I was under the impression that a man of that kind never could secure a pension.

Mr. HAY. That is the purpose of the bill—to give him a pensionable status.

Mr. SABATH. I thought we could not remove the bar.

Mr. FOWLER. I wanted to inquire, Mr. Speaker, if it would not be better to have an amendment to this bill, the same as to all the other bills of like character?

Mr. HAY. I think so, and I tried to draw it so. I will say to the gentleman that the custom of the committee is to report these bills with that proviso incorporated, and I do not know why this bill was reported without the proviso.

Mr. FOWLER. I suggest, then, that if it is intended that no allowances shall be granted to these soldiers prior to the passage of these acts it shall be so stated, so that there will be no mistake about it.

Mr. HAY. That is what I am trying to do.

The SPEAKER. The Clerk will report that amendment again.

The Clerk read as follows:

Provided, That no pension, bounty, or allowances shall accrue prior to the passage of this act.

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

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

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

WILLIAM HOMMELSBERG.

Mr. HAY. Now, Mr. Speaker, I ask unanimous consent that the amendment that was adopted to the Hommelsberg bill be changed so as to conform with the amendment just adopted to this bill.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent that the language of the amendment in the Hommelsberg bill—the second bill back—shall be changed to conform to the language of the amendment in this last bill.

Mr. J. M. C. SMITH. Mr. Speaker, can we have the amendment read again in the Hommelsberg case as it was amended?

The SPEAKER. The Clerk will report the amendment in the Hommelsberg case and in this one. First report the amendment in the Hommelsberg case.

The Clerk read as follows:

Provided, That no pension, bounty, or allowances shall accrue by reason of this act.

The SPEAKER. That is the Hommelsberg amendment. Now read the Wood amendment.

The Clerk read as follows:

Provided, That no pension, bounty, or allowances shall accrue prior to the passage of this act.

Mr. J. M. C. SMITH. That is to be the amendment in the Hommelsberg case?

Mr. HAY. Yes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will amend the Hommelsberg bill in accordance with the request.

CHARLES A. BESS.

Mr. HAY. Mr. Speaker, I call up the bill (H. R. 6793) for the relief of Charles A. Bess, and I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. MANN. Reserving the right to object, I should like to ask the gentleman if there has been a reprint of this bill?

Mr. HAY. I do not know of any.

Mr. MANN. I suppose the gentleman is aware of the fact that the bill was not correctly reported to the House.

Mr. HAY. I will say to my friend from Illinois that these bills were reported by other members of the committee, being considered by subcommittees, and I am not advised as to the facts.

Mr. MANN. I shall not object if the amendment set forth in the report is agreed to.

The SPEAKER. The Chair hears no objection, and the Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from, correct the military record of, and grant an honorable discharge to Charles A. Bess, late of Company B, First Regiment California Volunteer Infantry.

Mr. HAY. Mr. Speaker, I ask unanimous consent to pass this bill over, because it is not in proper shape.

Mr. MANN. Mr. Speaker, the committee in their report have set forth an amendment to the bill putting it in proper shape; but through the carelessness of the gentleman who reported the bill, the same Member who introduced it, the bill was not properly presented to the Clerk, and it was not properly printed.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to pass this bill over.

Mr. MANN. He asked that because he was not familiar with the facts in reference to it. If the Clerk will report the committee amendment, then I think the gentleman will not want to pass it over.

Mr. HAY. I ask the Clerk to report the committee amendment. I think gentlemen ought to be here to attend to their own bills.

Mr. MANN. They ought to have them properly reported.

Mr. HAY. I think so.

The Clerk read as follows:

The Committee on Military Affairs, to whom was referred the bill (H. R. 6793) for the relief of Charles A. Bess, having considered the same, report thereon with a recommendation that it be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

"That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Charles A. Bess shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company B, First Regiment California Volunteer Infantry, on the 20th day of June, 1866: *Provided,* That no pension shall accrue prior to the passage of this act."

The SPEAKER. The question is on agreeing to the amendment which has been read.

The amendment was agreed to.

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

WILLIAM H. SEWARD.

Mr. HAY. Mr. Speaker, I call up the bill (H. R. 8921) to correct the military record of William H. Seward, and I ask unanimous consent that the same be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider this bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the charge of dismission be removed from the military record of William H. Seward, second lieutenant Company I, Second Regiment Michigan Infantry Volunteers, and the same is hereby removed; and the said William H. Seward is held and considered to have been honorably discharged from Company I, Second Regiment Michigan Infantry Volunteers, from the 30th day of August, 1862, the date of his dismission from the service.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That in the administration of the present laws William H. Seward, who was a second lieutenant of Company I, Second Regiment Michigan Infantry Volunteers, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of the said company and regiment on the 30th day of August, 1862."

Mr. KAHN. Mr. Speaker, the amendment says—

That in the administration of the "present" laws.

That should be—

That in the administration of the "pension" laws.

I move to strike out the word "present" and insert in lieu thereof the word "pension."

The Clerk read as follows:

Strike out the word "present" and insert the word "pension" in the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

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

ALONZO D. CADWALLADER.

Mr. HAY. Mr. Speaker, I call up the bill (H. R. 24296) for the relief of Alonzo D. Cadwallader, a desertion bill, and I ask unanimous consent that it may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That Alonzo D. Cadwallader be, and he is hereby, held and considered to have served as a private in Company K, Seventeenth Regiment Michigan Volunteer Infantry, from the 27th day of June, 1862, to the 30th day of September, 1862.

Mr. MANN. Mr. Speaker, this is an unusual form of bill, and there is absolutely no information in the report upon it. The report is very short, and I will read it.

Being in an unusual form, and there being no information in the report, it seems to me somebody ought to give us a little information before the bill passes.

Mr. HAY. I will yield to the gentleman who introduced the bill [Mr. HAMILTON of Michigan].

Mr. HAMILTON of Michigan. Mr. Speaker, I think I can state all the facts in connection with this bill, and if I am unable to do so the gentleman from Michigan [Mr. SWEET], who is a member of the subcommittee which reported the bill to the full committee, can supplement what I have to say, as can also the gentleman from Maryland [Mr. LEWIS], the chairman of the subcommittee.

This bill simply proposes to give this soldier credit for service from the 27th day of June, 1862, to the 30th day of September, 1862. He was a mere boy when he enlisted—less than 15. Almost immediately after he was mustered in he entered active service, and in September, 1862, he participated in the Battle of Antietam, one of the bloodiest battles of the Civil War, and conducted himself with bravery, as befits a soldier from Michigan.

Mr. SABATH. Will the gentleman yield?

Mr. HAMILTON of Michigan. Yes.

Mr. SABATH. I notice that this is the fourth bill this morning from Michigan, four out of eight bills. I want to know what the gentleman means by the words "befitting a soldier from Michigan"?

Mr. HAMILTON of Michigan. The gentleman from Illinois is mistaken. This is not a desertion bill.

Mr. SABATH. I understood the chairman to say that it was.

Mr. HAMILTON of Michigan. And, furthermore, there has been only one other bill from Michigan, and, as I said, this is not a desertion bill. The gentleman, who is almost always accurate about his facts, is misinformed as to the facts in this case. But, Mr. Speaker, as I was saying, the boy participated in the battle, and then he and a companion, on the 30th of September, started for Michigan without leave. [Laughter.] He was arrested, and afterwards a writ of habeas corpus took him out of the service entirely on account of his being under age.

Mr. FOSTER. That was after he got back to Michigan?

Mr. HAMILTON of Michigan. Yes.

Mr. FOSTER. Probably the writ was waiting for him when he got there.

Mr. HAMILTON of Michigan. No; it was not. Later on he was honorably discharged. Now, there are two records in the War Department, or rather the records show two dates of departure—one that he left the vicinity of Antietam about September 20 and the other that he left about September 30. When it became apparent that this bill would be reached I sent over to the committee room of the Committee on Military Affairs for the files in this case, but there was a notice on the door that the clerk would be back in an hour, and so I have not the files. I am therefore speaking from memory.

As I say, there are two records in the War Department—one that he went home on or about the 20th of September and the other that he went home on or about the 30th of September. He himself swears—and his affidavit is sustained by other testimony—that he went home on or about the 30th of September. All we are seeking to do is to give this soldier credit for the services which he actually rendered.

Mr. FOWLER. Was his companion who went home with him a soldier?

Mr. HAMILTON of Michigan. Yes.

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

SYLVESTER W. BARNES.

Mr. HAY. Mr. Speaker, I now call up the bill (H. R. 18217) for the relief of Sylvester W. Barnes, and I ask unanimous consent to consider it in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Virginia calls up the bill H. R. 18217, and asks unanimous consent that it be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That, in the administration of any laws conferring rights, privileges, or benefits upon persons who have been honorably discharged from the military service of the United States, Sylvester W. Barnes, late first lieutenant Company H, Thirtieth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the said company and regiment on the 13th day of September, 1862: *Provided*, That nothing in this act shall be made the basis of a claim for pension or other pecuniary claim against the United States.

Mr. HAY. Mr. Speaker, I move to substitute for the House bill the bill S. 4030, in the identical language of the House bill.

The SPEAKER. The gentleman from Virginia asks unanimous consent to substitute the Senate bill of the same tenor for the House bill. Is there objection?

Mr. MANN. Reserving the right to object, I would like to have the Senate bill reported.

The Clerk read as follows:

An act (S. 4030) for the relief of Sylvester W. Barnes.

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon persons who have been honorably discharged from the military service of the United States Sylvester W. Barnes, late first lieutenant Company H, Thirtieth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the said company and regiment on the 13th day of September, 1862: *Provided*, That nothing in this act shall be made the basis of a claim for pension or other pecuniary claim against the United States.

Mr. MANN. Has the Clerk the engrossed copy of the Senate bill?

The SPEAKER. He has.

Mr. MANN. I will not object.

Mr. TAGGART. Mr. Speaker, reserving the right to object, the bill as passed by the Senate would not give the veteran any benefit at all. If it is the purpose of the bill only to correct the record of the soldier it is sufficient, but it would give him no benefit.

Mr. TALCOTT of New York. Mr. Chairman, the veteran named in this bill is dead. He failed to report after being detailed on recruiting service, because he had died of tuberculosis. The evidence before the Senate committee and before the House committee was clear and undisputed. This is an act of long delayed justice to the members of his family.

Mr. MANN. The report shows that the bill is not intended to give any benefit.

The SPEAKER. Is there objection to the substitution of the Senate bill for the House bill?

There was no objection.

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

The House bill H. R. 18217 was laid on the table.

DAVID CROWTHER.

Mr. HAY. Mr. Speaker, I call up the bill (H. R. 26648) for the relief of David Crowther. I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws David Crowther shall hereafter be held and considered to have been absent with proper authority and in the line of duty as a soldier while serving as a member of Company I, Sixth Regiment Maine Volunteer Infantry.

Mr. HAY. Mr. Speaker, I offer as an amendment to this bill the same amendment that I have offered to the former bills.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding to the bill the following:

"*And provided*, That no pension, bounty, or allowances shall accrue prior to the passage of this act."

Mr. MANN. Mr. Speaker, a few moments ago the gentleman from Kansas [Mr. TAGGART], who is now rendering a brilliant service to his country in his first term, took some exception to the action of the Committee on Military Affairs in not having reported one of these desertion bills for him. I have served here now close to 16 years, and have had a good many bills of that character that I thought were very meritorious, and up to date I believe have never been able to secure a favorable report on any of them. Possibly that is owing more to my negligence than to the action of the committee. I have no criticism to make of the committee, because I appreciate the difficulties which the committee has in passing upon these cases. There are thousands of cases throughout the country seeking relief, but it does seem somewhat odd that the committee was able to make a favorable report in this case while not being able to make a favorable report in many other cases. I would just like to read a word contained in the report from The Adjutant General of the Army, Gen. Ainsworth. This man was court-martialed. He came before a court-martial twice. Gen. Ainsworth says:

Upon his trial it appears of record that he made no defense or explanation of the charge and specification other than the plea that he was not guilty, and nothing has been found of record to corroborate the statement now made by him that he left his company and regiment for the purpose of seeking food. On the contrary, from the testimony of his company commander adduced at the trial, it appears that Crowther deserted from his company and regiment on the 1st day of May, while the regiment was lying on the north side of the Rappahannock, near Franklin Crossing, and about to cross and engage the enemy; that he left his gun and equipments behind him, and that he remained absent until the 27th of May, when he was brought back under guard, having been found at Aquia Creek landing.

Nothing has been found of record to show whether or not his arms and equipment were restored to him, or whether he participated in the Battle of Gettysburg, July 1 to 3, 1863, although the records show that he was present with his company June 30, 1863, and that the command with which the organization was serving was present at the Battle of Gettysburg. With respect to his statement that he took part in the Battle of Chancellorsville, it should be observed that that battle took place from May 1 to 3, 1863, and although the command with which the organization was serving was present at that battle, Crowther at that time was absent from his company in desertion.

The court-martial found this man guilty and sentenced him to hard labor without pay during the rest of his term of enlistment, which was, I believe, nearly two years or more. It is true that after that he served for a number of years in the Regular Army. I am not objecting to his having the privilege of a pension upon that ground, because he did obtain thereafter, I think, a number of honorable discharges from the Regular Army. He may be entitled to a pension for that reason; yet, appreciating, as I do, the difficulties which the Committee on Military Affairs has to prevent reporting all of these bills, I am trying now to lay an additional obstacle which they may use in the future to help them keep from reporting this class of bills.

Mr. HAY. Mr. Speaker, I want to say to the gentleman from Illinois [Mr. MANN] and to the House that there are pending before the Committee on Military Affairs about 1,800 of these bills, and three-fourths of those bills are there without anybody ever having come to the committee or the subcommittee and asking any action to be taken upon them. We have endeavored in this Congress as in past Congresses, when bills have been brought before us and Members have taken the trouble to prepare their cases, to report such bills as we believe are meritorious and ought to receive favorable consideration.

This bill to which the gentleman particularly refers is a very unusual one. It was introduced by the gentleman from New York [Mr. REDFIELD]. He spent a great deal of time in collecting the evidence, and I think if the gentleman will carefully read the report——

Mr. MANN. I have read every word of it.

Mr. HAY. He will find that that man did take part in this battle, and that the whole case turned upon whether or not he did take part in the battle. The committee was convinced from the evidence brought before it that the man ought not to have been court-martialed; that he did take part in the battle; that after the Battle of Chancellorsville he took part in the Battle of Gettysburg, and was not court-martialed until after that battle. So that the man really did the service and was entitled to this relief.

I want to say for the Committee on Military Affairs that we are anxious to do what is right in these cases; that it is almost impossible for us to consider all of them; and that whenever gentlemen come before us and take the trouble to prepare their cases, they are given a hearing, and the committee tries to report such bills as ought to be reported. It is, generally speaking, a rule of the committee not to consider a case favorably if the soldier has not had at least two years of honorable service, nor does this always entitle him to relief.

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

The amendment was agreed to.

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

WILLIAM H. SEWARD.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 349, to the bill (H. R. 8921) to correct the military record of William H. Seward. In looking over the bill as passed I find the proviso which has been passed in bills of this character is omitted, and I ask unanimous consent that there be added to that bill "*Provided*, That no pension, bounty, or allowances shall accrue prior to the passage of this act."

The SPEAKER The gentleman from California [Mr. KAHN] asks unanimous consent to return to the bill (H. R. 8921) for the relief of William H. Seward.

Mr. MANN. Mr. Speaker, I shall not object because perhaps it ought to be there, but the addition or omission of that paragraph to the bill neither adds to nor detracts from the provisions of the bill, because all that these bills do is to give the right to apply for a pension. It can not date back of the date of the application under any circumstances, and the soldier under these bills gets no other right than the assumption of an honorable discharge when he is applying for a pension.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

Mr. MANN. No; I do not object.

The SPEAKER. The gentleman says he does not object. Is there objection to returning to this bill? [After a pause.] The Chair hears none. Without objection, the Clerk will insert that paragraph in the bill. [After a pause.] The Chair hears no objection.

Mr. KAHN. I also ask that the title be amended so as to read, "A bill for the relief of William H. Seward."

The SPEAKER. The title will be amended to conform with the revised text. [After a pause.] The Chair hears no objection.

On motion of Mr. HAY, a motion to reconsider the votes by which the several bills were passed was laid on the table.

DIPLOMATIC AND CONSULAR APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, with Mr. RUCKER of Missouri in the chair.

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

The Clerk read as follows:

A bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914.

Mr. MURRAY. Mr. Chairman, I ask unanimous consent to recur to page 2, line 19, for the purpose of asking the gentleman in charge of the bill a question in regard to that provision.

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

Mr. FOSTER. What is the object of returning? The gentleman can do that without returning.

Mr. MURRAY. I want to fix attention at that particular place.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. MURRAY. Mr. Chairman, I have been asked to learn whether or not the provision "*Provided*, That no salary herein appropriated shall be paid to any official receiving any other salary from the United States Government" restricts the appointment of one on the retired list of the Army or the Navy to any of these places. I desire to get an expression of opinion from the gentleman in charge of the bill with reference to that matter.

Mr. FLOOD of Virginia. My understanding is that there is a law prohibiting a retired Army or naval officer from being appointed to the Diplomatic or Consular Service.

Mr. MURRAY. One on the retired list?

Mr. FLOOD of Virginia. That is my understanding of the law.

Mr. MURRAY. Therefore it is not because of this proviso that they can not be appointed, but because of some other provision?

Mr. FLOOD of Virginia. Because there is a law prohibiting it.

Mr. MURRAY. The gentleman can not give me a reference to that law?

Mr. FLOOD of Virginia. I can look it up.

Mr. MURRAY. I would be glad to have the gentleman incorporate it in the RECORD if he will.

Mr. FLOOD of Virginia. I will.

Mr. MURRAY. Thank you.

The Clerk read as follows:

Peace Palace at The Hague: For the payment of the contribution on the part of the United States toward the expenses of the Palace of Peace at The Hague, $1,045.25, or so much thereof as may be necessary.

Mr. FOWLER. Mr. Chairman, I make the point of order against the paragraph that it is without authorization.

The CHAIRMAN. The gentleman from Illinois makes the point of order against this section.

Mr. KENDALL. Mr. Chairman, I did not hear what the point of order made by the gentleman from Illinois was.

The CHAIRMAN. The point of order is that it is not authorized by law.

Mr. FLOOD of Virginia. Mr. Chairman, this appropriation is made as the part which this Government contributes toward the maintenance of the Peace Palace at The Hague. That palace at a cost of a million and a half dollars was furnished by Mr. Carnegie and is maintained at a cost of $19,900, and our portion of that, under agreement between our representative and the representatives of some 30 or 40 nations, is this $1,045.25, which is appropriated in this bill.

Now, that is an agreement entered into by the representative of this Government with the representatives of these other Governments. The court sits in this palace, and these different Governments are to maintain its gardens and the interior of the palace for the purposes of this court.

Mr. COX. How did they get at the amount that was to be assessed to these nations?

Mr. FLOOD of Virginia. It is based on some unit system as to our standing.

Mr. COX. The population of the countries?

Mr. FLOOD of Virginia. Yes.

Mr. HAMLIN. May I ask by what authority our representative entered into this kind of an agreement?

Mr. FLOOD of Virginia. By authority of a treaty.

Mr. BARTHOLDT. If the gentleman will permit, the Secretary of State said that while this was not a treaty it had the force and effect of a treaty. It is an agreement between the several Governments to contribute pro rata toward the maintenance of that palace.

Mr. HAMLIN. I understood the chairman of the committee to make that statement, but the question I asked was where this representative of our Government got authority to enter into any such agreement. I do not know as I especially object to the appropriation, but what I want to find out is if our representative acted with the authority or without the authority of this Government.

Mr. FLOOD of Virginia. I will say to the gentleman that my opinion is the Hague convention of 1899 gave to this tribunal authority to agree to this charge on the part of the United States.

Mr. MANN. Will the gentleman from Missouri [Mr. HAMLIN] yield?

Mr. HAMLIN. I will.

Mr. MANN. When this matter was before The Hague tribunal and acted upon favorably, it was voted for by the representative of the United States, subject to the subsequent approval of his Government. How far under the treaty the State Department has authority to do that I do not pretend to say, but I assume that in the payment of small expenses on routine work probably somebody had authority to do it without asking for a new treaty being made. I do not know, however.

Mr. HAMLIN. I just want to say that I understand the purpose of this, and that it would be somewhat embarrassing, perhaps, to our Government if we did not participate. But I want to take advantage of this occasion to also observe that my judgment is that some people who are authorized to represent our Government in certain capacities voluntarily expand their authority frequently, with the result that we are involved, in the aggregate, in very large expense. I do not believe that ought to be permitted. I think——

Mr. MANN. But you do not make that charge at this time?

Mr. HAMLIN. I am not making it now. I am speaking generally.

Mr. MANN. The reason that I interrupted the gentleman was because that when a representative does not do certain things it is thought that we ought to give special recognition to the fact.

Mr. HAMLIN. I am not speaking of this special representative, because I do not know who he was. There is nothing personal in the matter. I think that perhaps he exceeded his authority if he sought to bind this Government without special authority to do so. But I do not mean he acted in bad faith, and perhaps he did what he should have done, outside of the fact that he ought to have waited first for the express authority. But what I was saying did not have any special reference to this item alone, but was a general reflection on the conduct of our representatives in dealing with international affairs. I think there is too loose a practice, and that our representatives frequently assume to themselves authority which they do not have. It is no reflection upon the committee, because they feel likely as I do about this item. It would be embarrassing if we did not approve it. But committees often feel called upon to come into the House and appropriate money to make good on obligations incurred by our agents abroad, when these agents were not authorized to commit this Government to these projects. I think they ought to understand that they must not attempt to bind this Government unless special authority is given to them. I think this appropriation ought to be made, although I think the paragraph is subject to a point of order.

Mr. COOPER. Mr. Speaker——

Mr. FLOOD of Virginia. I yield to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Chairman, may I ask the chairman of the committee if this controversy is over the appropriation asked for as the contribution from this Government to The Hague tribunal?

Mr. GARNER. Yes, it is.

Mr. KENDALL. It is our contribution for the maintenance of the palace.

Mr. COOPER. If the gentleman will permit me, I heard the gentleman from Missouri [Mr. HAMLIN] inquiring whether our representative on the administrative council at The Hague acted beyond his authority. On page 9 of the report on this bill is a copy of a translation of the order of the day covering the proceedings of the administrative council on the day when this question came before it. It appears that the provision for this appropriation was carried by the votes of the representatives of the respective governments, and that the representative of the United States voted for it, subject to the approval of this Government. The translation of the minutes of the order of the day is as follows:

In order to carry this out the Foundation requests that the administrative council will furnish an annual contribution of 49,504 f.

The President submits to the meeting the proposition of the French minister:

"The administrative council decides that a sum of 49,504 f. shall be entered on the budget of the international bureau of the court as an annual contribution of the powers toward the cost of the Palace of Peace.

"The administrative council takes note of the undertaking of the Committee of Directors of the 'Carnegie Foundation' to communicate to the administrative council as information annually the accounts and the balance presented to the controlling committee of the Foundation."

This proposition was voted for by the President and the representatives of Germany; also by the representative of the United States of America, subject to the subsequent approval of his Government.

And all the other nations represented voted. It thus appears that our representative clearly acted within his authority.

Mr. FLOOD of Virginia. Mr. Chairman, speaking to the point of order, the approval of the Government contemplated in that order was the approval of the executive department of the Government. It did not have reference to the approval by Congress. My understanding of the situation is that——

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

The CHAIRMAN. Does the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. FOWLER. By what authority does the President have the right to make such approvals?

Mr. FLOOD of Virginia. By virtue of The Hague treaty of 1899.

Mr. FOWLER. What law gives him the authority to make such approvals?

Mr. FLOOD of Virginia. That treaty contemplates the maintenance of a building at The Hague by the nations that are parties to that treaty. The United States is one of the parties to it. This is simply the proportion of the United States that is necessary for keeping up this building there. The building has been erected and belongs to the nations that are parties to this treaty.

Mr. FOWLER. This is the first time this question has ever come up in Congress?

Mr. FLOOD of Virginia. Yes; because this is the first time this amount has ever been set aside for the maintenance of the Peace Palace at The Hague.

Mr. FOWLER. And whatever was done by our representative was done subject to the approval of the United States?

Mr. FLOOD of Virginia. I think so, Mr. Chairman. I think, when we ratified the treaty that gave to our representative the right to bind the Government to help maintain the building in which this court was to sit, and our representative in this council agreed to this, subject to approval by the Government, which means the executive department of the Government.

The CHAIRMAN. The Chair is prepared to rule. The information possessed by the Chair on this subject is so meager that it leaves the question raised by the point of order in serious doubt. The Chair will decide the question as he thinks it ought to be decided, and if the ruling appears to the gentleman to be wrong the Chair will be glad to submit it to the committee for its approval or disapproval.

The point of order made by the gentleman from Illinois [Mr. FOWLER] is overruled.

Mr. BARTHOLDT. Mr. Chairman, I offer an amendment as a separate paragraph.

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Insert as a separate paragraph at the end of page 10 the following: "Contribution toward the adornment of the Peace Palace at The Hague: To enable the United States to contribute to the adornment of the Palace of Peace at The Hague by sending some object of art of national production, $30,000."

Mr. FOWLER. Mr. Chairman, I make a point of order against the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] makes a point of order against the amendment.

Mr. BARTHOLDT. Mr. Chairman, I hope the gentleman will reserve his point of order for a moment.

Mr. FOWLER. Yes; I will reserve it.

Mr. BARTHOLDT. Mr. Chairman, I am in doubt myself as to whether or not this is subject to a point of order. In support of the amendment I wish to make this statement:

There is being erected, through the generosity of an American citizen, a great palace dedicated to the cause of international peace at The Hague. It appears that the several representatives of the Governments assembled at the second Hague conference agreed to request their Governments to donate, for the adornment of that palace, certain gifts typical of the production of each nation, and our representatives were a party to that agreement. In the summer or fall of this year that great palace is to be opened, and all the Governments signatory to The Hague convention and parties to that agreement have furnished their gifts—some of them tapestries, others stained-glass windows, just in accordance with what the respective countries produce—and the most prominent place in that palace has been assigned to the United States for the purpose of erecting at the foot of the stairway in the main corridor a group of statuary.

And that distinction has been accorded to the United States because it was an American citizen with whose money this palace is to be erected.

It would be almost a national disgrace if this Government alone should fail to be represented among those who are carrying out their agreements. In my judgment, this obligation by our Government is an honorable one, and if this item is not carried in the House I am quite sure it will have to be put on in the Senate. Therefore I should like to appeal to my friend from Illinois to withdraw his point of order. It is true it is not a convention or treaty, but it is an agreement into which our representatives entered, with the understanding that they would go to their Government and ask for its approval.

Mr. FOWLER. Mr. Chairman, there is no doubt in my mind but what the original sum carried in the bill, as well as that proposed by the amendment of the gentleman from Missouri [Mr. BARTHOLDT], is intended to act as an aroma to a conscience drug of Andrew Carnegie. If he is able to build peace palaces, or any other kind of palaces, in foreign countries, he is able to adorn them, and I am in favor of letting that responsibility rest on his shoulders. It is true that he has contributed much money throughout the United States for library buildings, but upon each occasion he has saddled upon the shoulders of the people of the locality in which the library is constructed the responsibility of keeping up and perpetuating the library; and in the event that the library is not kept up, then the property reverts to the fund of the quasi donor. I speak of him as the quasi donor instead of the donor because the people have played an important part in such donations.

Mr. COOPER. Mr. Chairman, will the gentleman permit an interruption?

Mr. FOWLER. Yes.

Mr. COOPER. The gentleman says these libraries have been "saddled"—that was his word—upon these communities. Is there any one of these communities that has not voluntarily assumed the burden by a vote of its city council or other municipal authority?

Mr. FOWLER. I used the word "saddled" in speaking of the perpetuation of these libraries, and not in the establishment thereof.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOWLER. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

Mr. BARTHOLDT. Will the gentleman reserve his point of order for a moment?

Mr. FOWLER. Yes; I will reserve it. I will make the point of order if the Chair requires that it shall be passed upon now.

The CHAIRMAN. The Chair does not require that.

Mr. FOWLER. I, of course, will be courteous enough to my colleague to reserve the point of order to allow him to make a statement.

Mr. BARTHOLDT. Mr. Chairman, I merely wish to suggest that this great peace palace will be used in the future for the great international conferences to be held by the Governments as well as by the parliaments of the world; and but for the existence of that peace palace the Governments would probably be called upon to make an appropriation to secure a proper location for holding these conferences. After this palace is completed it will be donated free for the use of all the nations. So in this way we will save money; and I will ask the gentleman, if he were a delegate representing this great Government at The Hague, and the other delegates were to propose that some gifts representative of the industries of their countries be given for the adornment of that great peace palace, whether he alone would stand out against such a proposition and say, "The American Government and the American people are too poor or too niggardly to contribute their share for that purpose"? I hope some day the gentleman may be a delegate, and I am sure he would not do as he said a little while ago on this floor that these American delegates should have done.

Mr. FOWLER. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

SECOND PAN AMERICAN SCIENTIFIC CONGRESS.

To enable the Government of the United States suitably to participate in the Second Pan American Scientific Congress, to be held in Washington, D. C., in October, 1914, and for the necessary expenses for clerks, printing (including the publication of the proceedings of the congress in English and Spanish), stationery and supplies, and other incidental expenses, including rent in the District of Columbia, and for the entertainment of the delegates, $50,000, to be expended under the direction of the Secretary of State; and the Secretary of State is hereby authorized to invite the Governments of the American Republics to be represented by delegates at the said congress.

Mr. FOWLER. Mr. Chairman, I make the point of order against the paragraph, because there is no authorization, and for the further reason that the fund is not to be used until October, 1914. There is ample time to make an appropriation for maintaining the Pan American Congress.

Mr. FLOOD of Virginia. I will ask the gentleman from Illinois to reserve his point of order.

Mr. FOWLER. I will reserve the point of order.

Mr. FLOOD of Virginia. The item is subject to a point of order. It is a new item, and there is no law or treaty authorizing it. But the gentleman from Illinois is mistaken in saying that there is ample time in another appropriation bill to provide for this item. Invitations will have to be issued soon if the congress is to be a success, and these invitations can not issue until this appropriation is made. The Committee on Foreign Affairs regards this as an important appropriation. It is for the purpose of entertaining the scientific congress of Pan Americans, to whom an invitation has been given by our representatives. I do not pretend that they had any authority of law to extend the invitation, but they did extend it, or accepted the suggestion that the congress meet here. The congresses are resulting in great good to our business, scientific, educational, and agricultural interests. I have here the hearings containing the statement of a gentleman in the Agricultural Department.

Mr. KENDALL. If it will not interrupt the gentleman, I understand this discussion is on the point of order?

Mr. FLOOD of Virginia. Yes.

Mr. KENDALL. These scientific congresses have been held since 1904 in different countries, alternating back and forth. Is not that true?

Mr. FLOOD of Virginia. Not exactly. The scientific congresses have been held in which South American countries participated, but I think this is only the second Pan American scientific congress.

Mr. KENDALL. I have a recollection that in 1908 the same congress met in Chile, and the Chilean Government made an appropriation of $150,000 or $200,000.

Mr. FLOOD of Virginia. Yes; that was the first one. It was held at Santiago, Chile, and that Government spent $154,000.

Mr. KENDALL. The gentleman means a congress that met with the United States. The Chilean Government entertained the congress and made an appropriation, I think, of $150,000.

Mr. FLOOD of Virginia. Yes; $154,000.

Mr. KENDALL. This congress is to convene in Washington in October, 1914, and I think the gentleman from Illinois misinterprets the language of the act.

Mr. FOWLER. No; that is my understanding, October, 1914.

Mr. KENDALL. The preparations are going forward now to entertain this congress; the plans are being perfected, and the department insists that it will be seriously embarrassed unless this money is available in the near future.

Mr. FOWLER. I think it is quite clear that the appropriation at the next session of Congress would be in ample time to make provision for the United States to entertain this scientific congress.

Mr. KENDALL. The gentlemen in the State Department and in the Pan American Union having the matter in charge maintain that they ought to have the money at once, and if we design to continue this scientific congress of nations, which has contributed so much to the welfare of the western world, as the gentleman from Illinois will discover if he investigates, and done so much to promote the excellent relations which ought to prevail among American Republics, I think the appropriation ought to be made at this time.

Mr. COX. Will the gentleman yield?

Mr. KENDALL. I am trespassing upon the time of the gentleman from Virginia.

Mr. FLOOD of Virginia. I will yield to the gentleman.

Mr. COX. What is the necessity of applying a part of this appropriation for rent in the District of Columbia?

Mr. FLOOD of Virginia. They will have to rent rooms to carry on the preliminary work to get ready for the congress.

Mr. COX. Is there not any room or headquarters where the Pan American Union can get together?

Mr. FLOOD of Virginia. It is not the Pan American Union. The Pan American Union is in sympathy with this congress, but is a different institution.

Mr. COX. This congress, then; is there no room which is available for them without renting quarters?

Mr. FLOOD of Virginia. There might be and might not be. They want authority if there is not.

Mr. COX. Has the gentleman any information as to how much will be applied for rent?

Mr. FLOOD of Virginia. Just as little for rent as possible, because this appropriation has been cut down to the smallest possible amount.

Mr. COX. Did the gentleman have any hearings before the committee in relation to it?

Mr. FLOOD of Virginia. Yes; we have quite a lot of hearings.

Mr. COX. What is the probable estimate?

Mr. FLOOD of Virginia. I do not think there is any estimate of what the rent would be. The testimony was as to the importance of the congress, as to the smallness of the appropriation that is contained in the bill, and the general way in which it would be expended.

Mr. COX. I see it provides for additional clerks. Has the gentleman any idea about how many additional clerks will be required?

Mr. FLOOD of Virginia. I have not; but I can tell the gentleman the amount that will probably be spent for clerks here.

Mr. COX. Any testimony taken before the committee in regard to it?

Mr. KENDALL. There was an estimate as to clerical assistance of $3,500. Mr. Rowe appeared before the committee, as shown on page 9; he was a delegate to the first Pan American congress. He submits these items: For clerical and stenographic assistance prior to the holding of the congress, $6,000.

Mr. COX. Prior to the holding of the congress?

Mr. KENDALL. That is to make preliminary arrangements for holding it.

Mr. COX. Is the $6,000 to come out of the $50,000?

Mr. KENDALL. Of course. Then, for clerical and stenographic assistance during the progress of the congress, $3,500.

Mr. COX. That is nearly $10,000 for clerical and stenographic assistance—$6,000 to be expended before the congress convenes and $3,500 during the congress.

Mr. KENDALL. Six thousand dollars for clerical and stenographic assistance prior to and $3,500 during the sessions of the congress.

Mr. COX. How many clerks do they propose to employ with that $9,500?

Mr. KENDALL. I do not believe anybody instituted an investigation as to how many clerks will be employed.

Mr. COX. And there is no limit on the pay. This will be a lump-sum appropriation, and the Secretary of State will pay them whatever salaries he wishes.

Mr. KENDALL. Yes. We have to trust the Secretary of State not to be too extravagant in disbursing the $10,000. Then there was an estimate for the translation of papers, $3,000.

Mr. COX. That makes $12,000?

Mr. KENDALL. And the publication of the proceedings in English and Spanish, $20,000.

Mr. COX. That is $32,000.

Mr. KENDALL. And extra expenditures necessary, which the director general will probably spend in the use of the Pan-American Building, $2,500.

Mr. COX. That is $34,500.

Mr. KENDALL. I have no doubt that it is intended to employ that $2,500 to defray the expense of rent.

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

Mr. KENDALL. Mr. Chairman, I ask unanimous consent that the time of the gentleman from Virginia be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Then they contemplate that entertaining the delegates will cost $15,000.

Mr. COX. That leaves about $15,000 for entertainment.

Mr. FLOOD of Virginia. Yes.

Mr. COX. So that there will be $3,500 expended for clerical hire, and so forth, and the remaining $15,000 for entertainment.

Mr. KENDALL. I know it will be gratifying to the gentleman from Indiana to know that if we appropriate all of the money asked for by the American representatives——

Mr. COX. How much did they ask for?

Mr. KENDALL. Fifty thousand dollars.

Mr. COX. And the committee gave them all they asked?

Mr. KENDALL. Yes. I was about to say that I know it will be gratifying to the gentleman from Indiana, who is an economist, that even though we grant all that they ask——

Mr. HAMILTON of Michigan. An economist or a political economist?

Mr. KENDALL. Both—even though we grant all the American representatives asked, the amount will still be only one-third of what the comparatively small Government of Chile appropriated for a similar purpose in 1908.

Mr. COX. The gentleman in his calculations has consumed here the sum total of $50,000 and left nothing for rent. Was there any evidence at all before the committee as to the probable amount that would be required for that?

Mr. FLOOD of Virginia. There is $500 left to cover the rent.

Mr. COX. Does the gentleman think that will cover the rent?

Mr. FLOOD of Virginia. Yes.

Mr. CLINE. Mr. Chairman, I desire to say just a word about this. I believe the $50,000 will be the best money we could invest in this enterprise. There is not a man on the floor who does not know that in Europe Germany and some other foreign countries have a little more friendly relation with the South American Republics than we have, not because of any antagonism between them and us, but chiefly because they do not know us so well. They have that because they are in touch with Europeans along lines of trade. We are opening up the Panama Canal. If there is anything we want, it is the trade of the South American Republics, and we want them to be our friends first. We ought to invoke every opportunity to cultivate the warmest friendly relations with the 20 South and Central American Republics, that have four billions of trade, and we ought to have 80 or 90 per cent of that. [Applause.] We have a handicap of 3,000 miles over our nearest competitors. If we expect to get this trade, we ought to cultivate those relations that will bring the trade to us. There is no way that we can expend $50,000 that will be better, more economically spent for the trade of this country than the $50,000 that is to be expended in inviting the representatives of these Republics here and giving them an exhibition of what we have in this country. I hope the gentleman from Illinois will withdraw his point of order, because of the very meritorious object that is involved in this expenditure.

Mr. MOORE of Pennsylvania. Mr. Chairman, this item ought to remain in the bill, if only because of the good will it expresses toward the Latin American countries. One of the commercial drawbacks of the United States is our lack of knowledge of the good qualities of the people of South America. We ought to encourage a better understanding of them and their customs, and there is no better way than to hold these occasional Pan American congresses. The Chilean Government appropriated $154,000 to defray the expenses of the First Pan American Scientific Congress, which was eminently successful, and since that congress voted to assemble in the United States we ought to be in a position to extend the hand of hospitality. If the gentlemen insist upon the point of order, it will lead to much confusion and misunderstanding, which will be regrettable. I hope the item may be permitted to remain in the bill.

Mr. MANN. Mr. Chairman, I ask for the regular order.

The CHAIRMAN. Does the gentleman from Illinois make the point of order on this section?

Mr. FLOOD of Virginia. Mr. Chairman, I want to make a suggestion——

Mr. MANN. I asked for the regular order, Mr. Chairman.

Mr. FLOOD of Virginia. Will the gentleman just wait for a moment? He is taking me off my feet——

Mr. MANN. I asked for the regular order. We are wasting too much time on this. We ought to get through some time.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. FOWLER. Mr. Chairman, I desire to be courteous to the chairman of this committee, and I would be very glad——

The CHAIRMAN. The regular order is demanded. Does the gentleman withdraw his point of order?

Mr. FOWLER. Mr. Chairman, I desire to ask unanimous consent that the chairman of this committee be permitted to make his statement.

Mr. MANN. Mr. Chairman, I demand the regular order. We ought to have passed this bill before this time.

Mr. FOWLER. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order will be sustained.

The Clerk read as follows:

International congress on uniform bills of exchange, etc.: For the participation by the United States in the adjourned meeting at The Hague of the international congress for the purpose of promoting uniform legislation concerning bills of exchange and checks, including compensation, clerical assistance, and actual and necessary traveling and subsistence expenses of an expert delegate, $7,000, or so much thereof as may be necessary.

Mr. FOWLER. Mr. Chairman, I make the point of order against the paragraph.

Mr. HAMLIN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HAMLIN. I make a point of order against the paragraph.

The CHAIRMAN. The point of order has been made by the gentleman from Illinois.

Mr. FLOOD of Virginia. Will the gentleman reserve his point of order for a moment? I desire to make a statement if the gentleman will.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MANN. I suggest the point of order has been reserved. I think we ought to get through with this bill.

The CHAIRMAN. The Chair will hear the gentleman on the point of order.

Mr. FLOOD of Virginia. I want to be heard on the point of order.

Mr. MANN. I have no objection to the gentleman making a statement with reference to the matter, but it seems to me we ought to progress, and I will ask for the regular order.

Mr. FLOOD of Virginia. I can be heard on the point of order.

Mr. MANN. Has the point of order been made?

The CHAIRMAN. Yes; and the Chair desires to hear the gentleman in opposition to it.

Mr. MANN. That is all right; I understood the point of order was reserved.

Mr. FLOOD of Virginia. Mr. Chairman, I will say to the gentleman from Illinois [Mr. FOWLER] and the gentleman from Missouri [Mr. HAMLIN] that this is also an important item carried in this bill, and it has been carefully considered by the Committee on Foreign Affairs, and while probably subject to the point of order, it is an item of expenditure which would mean a great saving to the United States. We have had several of these conferences on bills of exchange. The first appropriation for this purpose was in 1909, amounting to $9,000; another in 1911, amounting to $3,000; and another in 1912, amounting to $2,000. Conference was held in 1910—June 23 to July 16—and in 1912, from June 16 to July 23. The first conference considered the unification of laws relating to international exchange and submitted drafts of a convention. The second conference revised and considered the drafts and also considered the subject of uniform laws relating to checks. These subjects are to be considered at the proposed conference during the present year. All principal European and Latin American countries are represented. The conference is endeavoring to reduce about 40 systems of legislation in relation to exchange to 2 systems and simplify use of checks in international financial transactions. Banking, exporting, and legal interests would be benefited. It costs an extravagant amount to get exchange in some of the eastern countries now, and the object of this authorization is to complete the work that has been done by these former conferences and make uniform, or nearly so, systems of bills of exchange.

Mr. HAMLIN. Will the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. HAMLIN. I have read very carefully the report submitted by the committee, and I find we took up this work in 1909. We have already expended $14,000, and so far as I know there has been nothing accomplished.

Mr. FLOOD of Virginia. Oh, yes, there has.

Mr. HAMLIN. Now we propose to appropriate $7,000 more, and I find nothing in the report that leads to any hope or assurance that we will have accomplished anything when we have expended that, which would make a total of $21,000, and it will go on ad infinitum it seems to me. Then, I want to make this further suggestion. Nothing in the report indicates if we could agree on some uniform bill or system of exchange that we would save anything. There is no indication that rates would be made lower or anything of the kind, and it seems to me we are loading down this appropriation bill to no good purpose.

Mr. FLOOD of Virginia. If the report indicates that nothing has been done the report is in fault. As to the working of the present system, I will ask the gentleman from Pennsylvania [Mr. DIFENDERFER] to give a little history of his experience and knowledge of this subject.

Mr. DIFENDERFER. Mr. Chairman, so far as I am personally concerned and so far as my experience has gone, I feel that it is essentially important there should be universal exchange in these eastern countries——

The CHAIRMAN. Permit the Chair to say to the gentleman that the only question before the committee now is the point of order made by the gentleman from Illinois [Mr. FOWLER].

Mr. FLOOD of Virginia. We are trying to get him to withdraw that point of order.

Mr. HAMLIN. I will say to the gentlemen of the committee that if the gentleman from Illinois [Mr. FOWLER] withdraws the point of order, I will renew it.

Mr. MANN. Then I ask for the regular order.

Mr. FOWLER. Mr. Chairman, I have made the point of order and will stand by it.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

International radiotelegraphic convention: For the share of the United States for the fiscal year 1914, as a party to the international radiotelegraphic conventions heretofore signed, of the expenses of the radiotelegraphic service of the International Bureau of the Telegraphic Union at Berne, Switzerland, $2,000.

The Clerk concluded the reading of the bill, as follows:

CONTINGENT EXPENSES, UNITED STATES CONSULATES.

Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent (allowance for rent not to exceed in any case 30 per cent of the officer's salary), postage, furniture, including typewriters and exchange of same, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular assistants, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates and consular agencies in the transaction of their business, $471,600.

Mr. FLOOD of Virginia. On page 24, line 2, after the word "postage," I want to insert the words "for repairs to consular buildings owned by the United States."

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 24, line 2, before the word "postage," insert the words "repairs to consular buildings owned by the United States."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. FLOOD].

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

Mr. FOWLER. Mr. Chairman, on page 24, I discover that the amount is $21,600 more for the last paragraph than was carried in the bill a year ago. I desire to offer an amendment making the sum $450,000 instead of $471,600.

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

The Clerk read as follows:

Page 24, line 10, strike out the figures "471,600" and insert in lieu thereof the figures "450,000."

Mr. FLOOD of Virginia. That reduces it to $450,000?

Mr. FOWLER. Yes.

Mr. FLOOD of Virginia. I will say to the committee that $450,000 is not enough for this item. They had $450,000 and ran short, and they had to cut off some of the most important matters for which this money is spent. For instance, making repairs to consulates has absolutely been neglected ever since this appropriation has been cut down, and the telegraphic service has been cut off. It has been demonstrated that $450,000 has not been sufficient.

Mr. FOWLER. What was the amount two years ago?

Mr. FLOOD of Virginia. The amount two years ago, I think, was $475,000.

Mr. FOWLER. And was it cut in the last bill?

Mr. FLOOD of Virginia. It was cut in the last bill.

Mr. CLINE. They spent last year $465,000.

Mr. FLOOD of Virginia. And they were cramped at that. The Consular Service apparently costs this Government $2,000,000 a year, but they get back in fees alone every cent of it except $260,000. This service is doing great good to the country and is costing the Government very little.

Mr. FOWLER. Is there a deficit in this fund now?

Mr. FLOOD of Virginia. There is a deficit of $8,000 right now.

Mr. FOWLER. Mr. Chairman, the explanation of the chairman of the committee makes out a good case, and I do not desire to cripple this fund at all. If it is necessary, I do not desire to press my amendment, and I ask unanimous consent to withdraw it.

The CHAIRMAN. The gentleman from Illinois [Mr. FOWLER] asks unanimous consent to withdraw the amendment just offered. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, I ask for the regular order.

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to go back to page 14 of the bill, and offer an amendment, in line 8, as follows:

Page 14, line 8, after the word "the," where it first occurs, insert the word "calendar."

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia [Mr. FLOOD]? [After a pause.] The Chair hears none. The question is on the amendment offered by the gentleman from Virginia, which the Clerk will report.

The Clerk read as follows:

Page 14, line 8, after the word "the," where it first occurs, insert the word "calendar."

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

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

Mr. FLOOD of Virginia. Mr. Chairman, I ask unanimous consent to be allowed to offer an amendment on page 20, "Second Pan American Scientific Congress," changing the appropriation from $50,000 to $30,000. We could get the other $20,000 in the next appropriation.

The CHAIRMAN. The gentleman from Virginia [Mr. FLOOD] asks unanimous consent to return to page 20 of the bill, for the purpose of offering an amendment.

Mr. MANN. That is the item that went out on the point of order, and I object.

The CHAIRMAN. Objection is heard.

Mr. FLOOD of Virginia. I ask that the totals in the bill be changed.

The CHAIRMAN. The gentleman asks unanimous consent that the Clerk may correct the totals in the bill. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Mr. Chairman, I move that the committee do now rise and report the bill and amendments to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RUCKER of Missouri, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill (H. R. 28607) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1914, had directed 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?

There was no demand for a separate vote.

The SPEAKER. If not, the amendments will be considered in gross. 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 as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

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

EIGHT-HOUR BILL.

Mr. WILSON of Pennsylvania. Mr. Speaker, I call up the conference report on the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon the public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving the rivers and harbors of the United States and of the District of Columbia, and ask that the statement be read in lieu of the conference report.

The SPEAKER. Is there objection to the reading of the statement in lieu of the conference report? [After a pause.] The Chair hears none. The Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT (NO. 1497).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 18787, 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 2.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 3, 4, 6, 7, 8, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:

After the word "persons," in line 2, page 3, strike out all the words down to the end of section 1 and insert the following: "Employed in connection with dredging or rock excavations in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States." so that the proviso in section 1 will read:

"*Provided*, That nothing in this act shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock-excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable waters of the United States."

And the Senate agree to the same.

W. B. WILSON,
FRANK BUCHANAN,
Managers on the part of the House.
WM. E. BORAH,
BENJ. F. SHIVELY,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and 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, submit the following written statement in explanation of the effect of the action agreed upon by the conference committee and submitted in the accompanying conference report as to each of the amendments of the Senate, namely:

Amendments Nos. 1, 3, 4, 6, and 7: Strike out the word "snagging," leaving the bill so that it applies to "dredging, or rock excavation" instead of to "dredging, snagging, or rock excavation" as it appeared in the bill as it passed the House.

Amendment No. 2: Struck out the words "terminate within nine hours from the beginning of the workday" after the word

"shall," in line 11, page 2, and inserted the words "be continuous except for customary intervals for meals or rest." The effect of the restoration of the language used in the House bill is to prevent the workday being extended by means of long intervals for meals or rest.

Amendment No. 5: Would have repealed the eight-hour law of August 1, 1892. The amendment proposed by the conference corrects that defect.

Amendment No. 8: Excludes from the operations of the act work done under contracts entered into under the provisions of appropriation acts approved prior to the passage of this act.

Amendment No. 9: Provides that this act shall become effective and be in force on and after March 1, 1913.

W. B. WILSON,
FRANK BUCHANAN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

PENSION APPROPRIATION BILL.

Mr. BARTLETT. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes; and, pending that motion, I desire to know from my colleague on the committee, the gentleman from Iowa [Mr. GOOD], what provision we can make with reference to general debate? I will state that we have on this side applications for 2 hours and 15 minutes. Has the gentleman any applications for time?

Mr. GOOD. I have very little demand for time on this side. I suggest that we limit the time to an hour and a half on a side, and I will yield the gentleman from Georgia some of my time to care for requests on his side.

Mr. BARTLETT. Very well. Mr. Speaker, I ask unanimous consent that general debate be limited to three hours, one hour and a half to a side, to be controlled, respectively, one-half by the gentleman from Iowa and one-half by myself.

The SPEAKER. The request of the gentleman from Georgia is that general debate be confined to three hours, one half to be controlled by himself and the other half by the gentleman from Iowa [Mr. GOOD]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. BARTLETT. I move, Mr. Speaker, that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 28730) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1914, and for other purposes, with Mr. DAVIS of West Virginia in the chair.

Mr. BARTLETT. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

There was no objection.

Mr. GOOD. Mr. Chairman, I yield 45 minutes of my time to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT. I thank the gentleman for yielding to me a portion of his time. I will not undertake at this moment to discuss this bill except to say that it carries for the next fiscal year $180,300,000.

The last pension appropriation bill carried $152,000,000, and the increase has been due to the act of May 11, 1912, known as the Sherwood bill, and afterwards in the Senate as the McCumber bill.

It is estimated that the decreases in pensions will amount to about $2,000,000, so that there will be necessary an increase of $30,000,000 added to the $150,000,000 of last year. In other words, if it had not been for the act of May 11, 1912, this bill probably would not have exceeded $150,000,000. By reason of that act it becomes necessary to appropriate $30,000,000 additional.

There is also carried in this bill a provision for surgeon's examination fees. Last year the bill carried $200,000, which amount was sufficient. This year we carry $100,000 additional. This increased appropriation grows out of the increased necessity for surgeon's personal examinations of applicants, as a result of a decision made by the Secretary of the Interior, which decision has doubled the number of surgeon's examinations over those which had theretofore been made. I have that decision and will call attention to it at the proper time.

It is fair to say that there will be a deficiency in this item for the present year, and that will be asked for on the deficiency bill. That deficiency will amount to $100,000 more, so that the total will be $400,000 instead of $200,000, as carried in the last bill, which we will be compelled to pay for surgeons' examination fees by reason of this decision.

In addition to that, it appears that there will be a deficiency in the present fiscal year which will have to be provided for of $15,000,000, not taken care of in this bill as a matter of course, but already incurred by reason of the act of May 11, 1912.

This bill carries a provision which declares that pensions now paid to parties residing in foreign countries and who are not citizens of the United States, but are citizens of foreign countries, shall no longer be paid. It also carries a provision to use an unexpended balance for the purpose of providing the files and necessary labor-saving office fixtures in order to carry on the work in the office, and an appropriation of $500 for postage on foreign pensions. That is the whole bill. Now, Mr. Speaker, I will yield to my colleague from Georgia——

Mr. MARTIN of South Dakota. Before the gentleman from Georgia yields the floor will he yield for a question?

Mr. BARTLETT. Certainly.

Mr. MARTIN of South Dakota. Upon the subject of the increase of $200,000 for additional surgeons' fees for examinations, is it the judgment of the gentleman that that additional expenditure is represented by a better or a more just administration of this service?

Mr. BARTLETT. I have the decision of the Secretary of the Interior with reference to those examinations, and I will insert it in the RECORD. I did not intend to discuss it at this time.

It appears that the Commissioner of Pensions, in determining whether an applicant was entitled to a pension under the act of 1912 by reason of being incapacitated from disease, decided a case upon the evidence submitted—that is, the doctor's evidence and the affidavits of people who knew the applicant. The commissioner held this to be a question of fact, and determined it from that. Three or more of these cases were appealed to the Secretary of the Interior, who reversed that ruling of the Commissioner of Pensions, and held that such cases were entitled to be passed upon only after there had been an examination by some member of the surgeons' board in the particular locality; in other words, required before finally passing upon it either adversely or favorably, that there should be a surgeon's examination of the applicant himself and not simply the testimony by affidavits of the applicant's physician and those who knew him. This increased the necessity for surgeons' examinations to such an extent that it has doubled the work. Twice as many examinations are required as heretofore, when they could pay the expenses with $200,000, but now will require $400,000.

Mr. MARTIN of South Dakota. My question was whether, in the judgment of the gentleman, from what knowledge he has of the administration of the office, it has resulted in a better administration of this service, or otherwise.

Mr. BARTLETT. The gentleman has asked me a question, and I am going to state very frankly that I do not think it has resulted in a better administration. The gentleman will recall that this House, upon the legislative, executive, and judicial appropriation bill of last year or the year before, abolished this board of pension appeals.

Notwithstanding the pension board of appeals, there is now existing in the Assistant Attorney General's office in the Interior Department virtually another board of appeals. Four are men on the rolls of the Pension Office, with salaries running up to $1,800, who are detailed from that office to the Assistant Attorney General's office, and, with other men detailed to his office, they pass upon these appeals. They pass upon the judgment of those in the Pension Office who are their superior officers with a higher salary.

Such is the law which was undertaken to be remedied in the provision reported in the legislative, executive, and judicial appropriation bill at this session—that there should be no appeal except upon questions of law. That went out on a point of order. Now you can appeal every case you desire directly to the Secretary of the Interior on both questions of law and questions of fact. I think there should not be any appeal on questions of fact from the decisions of the officers in the Pension Office. I think that it becomes a question of fact to be determined by the Commissioner of Pensions whether a man is incapacitated to work, by his own testimony, the testimony of those associated with him, or the family acquainted with his physical condition.

It puts an additional burden of expense on the Government to require the Government, before it can determine whether a man is entitled to a pension, or to require the claimant before determination to have some one of these numerous physicians that we appoint all over the country examine him and have the Government pay this additional $200,000. I do not think it is good policy for the administration of the Pension Office or an economical administration of the affairs of the Government.

Mr. MARTIN of South Dakota. It occurs to me that if it does not result in better service it is hardly worth while to incur the expense.

Mr. BARTLETT. If the gentleman desires to move to strike it out, he can do so, but the gentleman must understand that the Appropriation Committee having charge of this bill and all bills must endeavor to give to the officials of the Government enough money to run it. I apprehend that there would be quite a protest, to put it mildly, from gentlemen in this House upon that side and upon this if we refuse to furnish to these applicants for pensions under the act of 1912 the means to have it ascertained by medical experts whether or not they are entitled to a pension. The Secretary has formerly decided that that is the only way in which the department can correctly determine whether the claimant is entitled to a pension, and has reversed the Commissioner of Pensions in deciding that a man was not entitled to a pension without requiring the medical examination.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. BURKE of South Dakota. Can the gentleman tell us how many persons will be affected, and how much will be saved if the limitation in lines 20 to 23, on page 2, is in this bill when it becomes a law?

Mr. BARTLETT. Mr. Chairman, we pay the people residing in foreign countries the sum of $967,863.89. In addition, we provide $500 for postage for sending the pension vouchers through the mails. We could not do it under the check system that we have provided for in the last pension bill, but we have to continue the voucher system in that regard.

This proposition was in the last pension appropriation bill, and upon that I gave some information to the House obtained by an examination of the Commissioner of Pensions before the subcommittee. We find from his report that there resides out of the United States 5,465 people on the pension roll to whom pensions are paid. That embraces countries from Algeria to Wales.

The Commissioner of Pensions testified before the committee last year that there were very few who were citizens of the United States. The most of them who are citizens of the United States were people connected with foreign service of United States, or who were traveling abroad, not citizens of any other country. There were some on the Canal Zone to whom they were sent. The number, he said, would not exceed 20 all told.

It is fair to say that the construction that may be put upon his testimony is that he intended to say that there were not over 20 connected with the service of the Government who were abroad not as citizens but temporarily residing there. That is all the information I have on the subject.

Mr. BURKE of South Dakota. I do not think the gentleman quite understood my question. As I understand it, the amount of pensions paid to soldiers who are nonresidents of the United States amounts to something like $940,000.

Mr. BARTLETT. No; to people who were abroad, whether residing abroad temporarily or who were abroad in the service of the United States.

Mr. BURKE of South Dakota. What I want to know is, If the gentleman can tell how many of those are drawing pensions for actual disabilities incurred in the service, because they will continue to draw pensions under this bill?

Mr. BARTLETT. We undertook to find that out and we did not get any information. I will very cheerfully give the gentleman all of the information I have. We undertook to find out about it, but neither the Pension Commissioner nor the chief statistician, Dr. Thompson, could give it to us.

I now yield 30 minutes to my colleague, the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. Mr. Chairman, standing at the closing days of the last session of the Sixty-second Congress, we are about to conclude the passage through the House of the various annual appropriation bills. The bill now under consideration is the pension appropriation bill, carrying with it $180,000,000. This money, after it is appropriated by Congress, is disbursed through the Pension Office. Several days ago I made some remarks touching the official character and qualities of a few of the officers drawing big salaries in connection with this department. I hold here a photograph of five Union soldiers. Three of them are partially legless and on crutches. Two of them are armless. They stand together. They represent in true type the character of men that a Government ought to pension. There are other worthy classes still, but it was never contemplated in the early days that able-bodied men with ample financial resources should receive the bounty of the Government. We shall not discuss at any great length those 800,000 on the pension rolls of to-day; but, adverting to the head from the Pension Bureau, I desire to say that in a few weeks the Democratic Party will take charge of the administration of that department, as well as of all the other departments of the Government. I hope that they will get a one-armed or one-legged old fighter of the days of 1860 and 1865 and put him at the head of that department to measure out to these old soldiers what the Government contributes to them and to administer its affairs. I hope that the next four years will not witness as the head of that department a pensioner who draws a $5,000 salary and a pension besides upon the ground that he is totally incapacitated for work and labor.

There is an eminent candidate for that position now. He has publicly announced his candidacy for Commissioner of Pensions. His picture is on one side of this sheet of paper and his pedigree on the other. It begins like the biographies in our Congressional Directories. He was born on the farm, he was educated in the common schools, he taught school, he studied law, he was admitted to the bar, he held a little office, he went to the war, and he returned. He took a keen interest in politics, he held school-board positions and others. He goes into detail to tell the country what his great services have been, even to being physically able to be a candidate for Congress as late as 1908; but he does not anywhere tell that he has been for nearly 20 years drawing a pension as an invalid pensioner, incapable of performing labor. Although he now draws a liberal salary in the Pension Bureau, he still draws a pension granted and continued on the ground of physical incapacity, and according to his platform he is so well, hale, hearty, and strong as to aspire to a $5,000 office. Gentlemen, is that the kind of man whom you can expect to fairly administer pension laws? I call attention to it. Possibly the suggestion may aid us in obtaining the "highest efficiency" at one place in the public service. I do not know the gentleman whose record speaks for itself. He is doubtless an estimable gentleman, but if he is qualified to draw an invalid pension he is disqualified for Commissioner of Pensions.

Mr. BATES. Mr. Chairman, does the gentleman claim that one of the glaring faults of the Republican Party is that it has had a man administering the Pension Office who is himself a pensioner? If that is true, I would like to ask the gentleman if during the last two Democratic administrations Union soldiers were not appointed to administer the Pension Office, and if they themselves were not pensioners.

Mr. RODDENBERY. I want to say to the gentleman that my remarks are not addressed in any partisan way at all.

Mr. BATES. I understand, but the gentleman questions the propriety of a pensioned Union soldier administering the Pension Office. I want to ask the gentleman if that has not been the practice of both the Democratic and Republican Parties?

Mr. RODDENBERY. Why, I just remarked that if you will take one of these old one-legged and one-armed veterans, if he is drawing a pension, and gets it for his wounds or fighting qualities, and he is not incapacitated from performing valuable service, he should be preferred; but I assert as a matter of common honesty an office ought not to be given to a soldier who draws an invalid pension on the ground that he is a physical wreck and unable to care for himself. Under the law, unless that condition of physical disability continues, he is not entitled to a pension. If the condition does continue, he can not be qualified for Commissioner of Pensions. Do not give to such a man an office that requires the services of a man worth $5,000 a year. In other words, give us an old soldier and not a fraud on the pension rolls. That is what I ask for, regardless of what party is in charge.

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

Mr. RODDENBERY. Yes.

Mr. CALLAWAY. The gentleman's objection is not that he gets a pension, but that he draws it on a lying basis.

Mr. RODDENBERY. If the gentleman is capable of being Pension Commissioner, that is fairly and quite well stated.

Mr. CALLAWAY. The gentleman thinks if he gets a pension for fighting qualities it ought to so state.

Mr. RODDENBERY. The old soldiers of the country who are entitled to pensions want them, and they want their comrades to have them. The old soldiers of the country who deserve pen-

sions do not want any more frauds on the roll than a citizen who never was a soldier, and you will never convince the old soldiers of this country that a man who can hold that $5,000-a-year job down is an invalid and a physical wreck and incapacitated to labor. Moreover, we need not expect, and nobody will expect, that department to be well administered if the chief executive officer is a man who is drawing a pension to which he is not entitled himself.

I adverted to this, not that I expect to direct my remarks further now to it, but to call attention to the fact that in a few days a head of that department will be named. Therefore, now is the time for Democrats to look out for honest and efficient administrators. Do not let us make the same mistake the Republicans have lately made, and, so far as I know, the same mistake Democrats in former times may have made. Get as the chief officer of that department an old soldier of a high type, which characterizes the great majority of those who now draw pensions.

I had risen, however, Mr. Chairman, to speak on another line. The Republican platform last enunciated says that—

> We commend the earnest effort of the Republican administration to secure greater economy, and increase the efficiency in the conduct of public business. Extravagant appropriations and the creation of unnecessary offices are an injustice to the taxpayer and a bad example to the citizen.

The Roosevelt platform, on the same line, said:

> We pledge our party to a readjustment of the business methods of the National Government and a proper coordination of the Federal bureaus which increase the economy and efficiency of the Government service, prevent duplications, and secure better results to the taxpayer for every dollar expended.

The Democratic platform said:

> We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil. We demand a return to that simplicity and economy which befits a Democratic Government and a reduction in the number of useless officers, the salaries of which drain the substance of the people.

Here we see that all three political parties, which went to the people last November proclaimed against wasteful extravagance and unjustified expenditure of public money. The Republicans had been in power for many years and they pointed out that henceforth vast extravagance would be curtailed; the new party, seeking the approval of the people, announced that there was necessity for the same thing; the victorious party, with the light of the past legislation before them and with full consciousness of what the future held out, denounced the waste of the money wrung from the people by the Republicans and demanded a return to simplicity and economy.

The people took our party at their word. They had a right to if you can believe what men say in declarations of principles and policies. The concluding paragraph of our platform says:

> Our platform is one of principles which we believe to be essential to our national welfare. Our pledges are made to be kept when in office as well as relied upon during the campaign.

We reiterated these pledges during the campaign, we pledged the people we would keep them when intrusted with power. The supreme pledge of our platform was lowering taxes, abating Republican extravagance, and retrenching public expenditure; that if we were charged with the responsibility of government the profligate waste of the past Republican administrations would cease, and that the wasteful expenditure of the people's toil money would come to an end. How can that be done? There are about 14 great appropriation bills. If these bills carry a reduction, our pledges will be performed. If these bills do not carry a reduction our pledges can not be performed, but they will be repudiated. The bare statement of the case makes this conclusion self-evident. Let me, then, take up the appropriation bills one by one. The agricultural appropriation bill up to the Senate now is but nominally increased. The Army bill increases by approximately $3,000,000 the previous appropriation. Gentlemen, are we carrying out our pledge to the people that we told them we would live up to in office as well as during the campaign? The diplomatic and consular bill, you know the increase there; the District of Columbia bill, you know the increase there; the fortifications bill, you know something of the increase of a million and a fraction there.

Mr. SHERLEY. Will the gentleman yield?

Mr. RODDENBERY. No; I do not yield.

Mr. SHERLEY. I would like to have the gentleman make a statement about the fortifications bill, as I am responsible for that bill.

The CHAIRMAN. Will the gentleman yield?

Mr. RODDENBERY. No; I will not yield. The gentleman can correct any statement I make. I state again that that bill is larger than it was for the present appropriation year, therefore our pledge has not been executed there. The Indian appropriation bill has shriveled a little from providential causes.

The legislative, executive, and judicial bill is one of the fixed charges of the Government, and in view of the fact that Congress will soon be increased by forty-odd Members and their secretaries and other charges, of course, we were obliged to meet the conditions as they presented themselves to us. The Military Academy bill is next; you know the status of that bill. The naval appropriation bill is increased practically $30,000,000. We denounced the past extravagance of expenditure of Republicans, and now what have we in this bill to prove the justice of that denunciation? We said in our platform that our pledges are to be kept in office as well as relied upon to get into office. Does the $30,000,000 in the naval bill repudiate our platform or not?

Mr. MURRAY. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. RODDENBERY. I can not yield to my colleague.

The CHAIRMAN. The gentleman declines to yield.

Mr. RODDENBERY. The pension appropriation bill is next, and it is now before us, carrying $180,000,000, and $15,000,000 more, as deficiency, yet to come in another bill. I said over a year ago, when this propaganda was on, that the budget on this item would go to $200,000,000, and gentlemen smiled. It is already on the threshold of it. Ah, but you say a certain general pension bill has been passed in the meantime. Of course, that is true, and, gentlemen, I will not discuss it now; but a Democratic House passed it, and if this is to our credit, take credit for it; if it is not, we must take the discredit.

Mr. BARTLETT. May I ask the gentleman—I will give him some time——

Mr. RODDENBERY. I yield.

Mr. BARTLETT. The Democratic convention which made that platform, and every member of it, knew at the time it made that declaration that that pension bill had been passed and that it would increase the payment of pensions, estimated at from thirty to forty or fifty million dollars, did not they?

Mr. RODDENBERY. I so understand.

Mr. BARTLETT. In spite of that, they put a plank in the platform providing for liberal pensions, did they not?

Mr. RODDENBERY. I think they did.

Mr. MURRAY. Mr. Chairman——

Mr. RODDENBERY. If my colleague is in position to extend my time somewhat, I can yield; but if not, I can not yield.

Mr. BARTLETT. I am not in that position just now. I will give the gentleman the time I took to ask him a question.

Mr. RODDENBERY. Then, I can not yield. The rivers and harbors bill has passed the House and is practically twice as large as the previous bill. There is about $17,000,000 to $20,000,000 increase. The sundry civil bill we have not seen yet. The deficiency bill has not come in yet. These enumerated bills cover substantially all the annual appropriations. Gentlemen, where is the bill in which we have carried out our pledge to reduce the expenditure of the people's money and correct Republican extravagance? Now, I see gentlemen standing around, who want to ask me what our platform says about liberal pensions; what it says about extending our river improvements; what it says about an efficient Navy, et cetera. I see them wanting to rise up now. Gentlemen, we are all familiar with the platform, but where is the man who will say that those declarations were intended to nullify our charge against the Republicans or their wasteful and profligate expenditure of public money? Where is the man who can deny our pledge to reduce instead of increase appropriations? Do gentlemen argue that the declarations of our platform touching these great public improvements were intended to nullify that plank of the platform and to O. K. the previous expenditures of the Republicans? If so, then, it was a deliberate effort to deceive the American people. It was not intended to be done. Where are the useless salaries that these Republicans have been putting in the appropriation bills, and that we have been raising hades about for 16 years, that we have trimmed down? Where are the Republican fraudulent and useless offices and projects that we charged to be leeches on the people that we have cut out? Where are the money reforms that we have worked?

Gentlemen, I am speaking as a Democrat who needs no certificate to that Democracy, and invites any criticism that gentlemen here or elsewhere may desire to indulge. I do not belong to that school of Democrats who will announce a platform and run on it to get into office, and then by every appropriation bill we pass violate it in letter and in spirit. In our platform we charged that "lavish appropriations of recent Republican Congresses" kept "taxes high." Why, do not the pending more lavish appropriations convict us, as Democrats, of the same charge? The people will not be deceived; we can

not be deceived. We may just as well face it. As painful as the facts are, I am speaking the plain unvarnished truth. I make these observations now, gentlemen, at a time when it is not too late to keep the faith and to live up to our platform. If our party meant what it said when it pledged that we would cut out unrighteous expenditure and extravagant appropriations, we have time and power yet in which to do it. Upon the pretense of party unity I will not acquiesce in party perfidy. Gentlemen, a Democratic President will be inaugurated inside of three weeks. A Democratic House will convene here and a Democratic Senate will convene yonder. Why not halt now and relieve Democrats who give up their office on the 4th of March, and a hundred Republicans who go out here to be supplanted by Democrats on the 4th of March, and a Senate that will be transferred from Republicanism to Democracy—why not let these freshly chosen servants whom the voters have elected shape and frame these charges on the Federal revenue? What folly—I can not say hypocrisy—to let the retiring Congress incur the largest charge upon the Treasury in the history of the Republic, and then expect the next extra session to cut down the revenues needed to pay them by a substantial revision of the tariff. It will confront us on every schedule. Apologists will say that this is the short session, and that it is customary that appropriations should be passed now. If we can pass them, and do it in compliance and performance with our platform, well and good; but if on their face they show a violation of our pledge to the people, no custom will justify it. Such a course will at the outset impede our President in every step he takes to be true to the people and his high office.

Gentlemen, these bills not only carry $115,000,000 more than the Republicans ever appropriated, but the naval bill, the rivers and harbors bill, the military bill, and other bills, authorize contracts by the Government to be carried out in the future, which during each succeeding year will be a tax and a burden during the entire term of Mr. Wilson's administration. I declare it to be a violation of our duty to the party as well as to the country to pass these exorbitant bills, carrying appropriations and carrying future obligations to appropriate, and unload them upon a Democratic President on the very threshold of his administration.

You say to delay these bills until the extra session will break precedents. If we have the President I think we have, we will break several precedents. Every precedent broken will be a bad precedent and broken for the purpose of living up to our pledges and keeping faith with the people. If we as Democrats do not break precedents, we will accomplish nothing. In order to preserve inviolate our political honor and carry into effect our platform utterances it absolutely demands the breaking of precedents. Thus only will we overthrow misrule and bring to pass the plighted promise to give the country a return to simplicity and economy. The President elect has already broken one or two precedents. Our platform says to return to "simplicity and economy." He has put the ring into the nose of this King George coronation ball and led it around to the back door and said, "You are about to inaugurate a Democratic President with a Belshazzar's feast. Get thee hence"; and a lordly precedent is shattered. So far as the President elect is concerned, he has lived up to the simplicity part of it. We stand to-day face to face with our obligation to live up to the economy part of it. Shall we let our President, on the 4th of March, come into office confronted and handicapped at the beginning of his administration with the most appalling and profligate expenditure of public money the Republic has ever seen? We are responsible for these outrages, not the Republicans. This is a Democratic House. I implore you, shall the first Democratic President for nearly two decades be hobbled and finally slaughtered in the house of his friends? Are our platform declarations of economy to be lived up to in office as scrupulously as we were diligent in denouncing this very extravagance in the campaign?

Gentlemen, let the Democrats who have lately been elected carry out their pledges to the people. We can meet in extra session on the 4th of March or the 5th of March or at any early time and pass these bills rather than violate party honor or sacrifice and surrender public confidence. There is no urgency for these appropriations. It will be the 1st of July before any of this money can be expended. The present appropriations are already made to that date. This great and apparently irresistible pressure to ram through these bills now in the dying hours of a Congress make me suspect that there are certain interests of sinister purpose in this country which know that unless they can get their hands deep down into the Public Treasury now, saddling onerous burdens on honest toil, they will not be able to do it after the 4th of March. The Democratic House and Democratic Senate which are in the extra session to levy the taxes ought also, by every token of reason and justice, control and expend the taxes which they levy.

Gentlemen, I am willing to join you in a concerted crusade to postpone legislation which violates our pledge to the people. But whether you do it or not, let me say to you that henceforth, between now and the 4th of March, as a Representative and as a Democrat, with our platform as the contract our party has made with the people, so far as I can, though but little it be, this violation of solemn party pledges will not dishonor the statute books unresisted and unopposed. We charged the Republicans in the express language of our platform with wringing money from the people's toil by extravagant appropriations.

Are we going to expect the people to think that the Republicans have been grafting on the Treasury and recklessly wasting the substance of the people when we appropriate all they did and a hundred millions more the first dash out of the box? [Laughter.] I am almost ready to apologize to the disconsolate Republicans if that is so. [Applause.] On the 4th of March we will bid a lot of them good-by, but if this unprecedented and indefensible extravagance is a sample of Democratic government, on the 4th of March, 1915, there will be a lot of them here to tell us "Howdy," and in a few hours thereafter there will be several of us who will go to them and say, "Our people have called us home; good-by."

We need not take the people of this country for a set of driveling idiots or infernal fools. Do we suppose that with a Democratic propaganda, waged for 16 years, on the argument that the Republicans were robbing the people, were putting intolerable burdens upon their backs, were raping the Public Treasury, and ought to be turned out, when they take our word for it and turn them out and turn us in, that they will not chastise us with brands of burning shame and hurl us from power when we not only rape the Treasury as the Republicans did, but with a $115,000,000 increase dagger cut its throat and stab party integrity to the heart? [Applause on the Republican side.]

Gentlemen, I have no apologies to make for these remarks. My innermost soul yearns to see the party of Jefferson live up to its political contract just as its members live up to their private obligations. I desire to see the Democratic Party perform its pledges to the people just as we perform our pledges in private affairs. Every Democrat knows the staggering total of these impending appropriations, if enacted, will be a violation of public faith and party trust as indefensible as the betrayal of the Republicans in passing the Payne tariff law for which the people in 1910 rebuked them. I appeal to the Members here who love vital Democracy and have burning in their hearts the spirit of fidelity to the people, to rise now and let the Democratic powers on this side—if powers they be—understand that they can not pass this legislation unless it squares with the platform on which our party campaign was conducted, and unless it is in accordance with the contract we made with the people when they intrusted us with power. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, I will ask the gentleman from Iowa [Mr. GOOD] to consume some of his time.

Mr. GOOD. Mr. Chairman, I yield 30 minutes to the gentleman from Massachusetts [Mr. GARDNER].

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] is recognized for 30 minutes.

Mr. GARDNER of Massachusetts. Mr. Chairman, it will not be possible to expedite business in this body until there is a thorough revision of the rules of the House. There ought to have been a thorough revision long ago, but every time that the rules of the House have been altered it has been in the middle of a hair-pulling match.

I am very, very tired of the argument that our rules must be good rules because they have existed since the beginning of the Government. You might just as well say that quill pens and mounted messengers would serve our purposes as well as typewriters and telephones. Why, Mr. Chairman, a self-respecting parliament of pterodactyls or dinosaurs would get rid of half these rules. If it is possible so to draft them, rules ought to be so simple that an ordinary Member of the House of Representatives might have some sort of a chance on this floor even against the most expert leader of the minority.

I used to wonder why a thorough revision has been so long delayed. I discovered the reason by asking myself this question, "GARDNER, why is it that you advocate a complete revision of the rules when you know at heart that you do not want them revised?" I believe that the rules ought to be revised, and yet it will rob me of a good deal of my stock in trade if a revision takes place, because familiarity with the mysteries of the rules gives me a great advantage. A good many other men are in the same situation as I am. We advocate the revision

of the rules; we will support a proposal for revision; but at heart there is not one of us who is praying for it to take place.

During this Congress I have introduced a number of resolutions looking to changes of the rules in certain respects. For instance, I have introduced a resolution aimed against the filibustering which takes place on Calendar Wednesday. Mr. Chairman, I was the stork that brought Calendar Wednesday, and I am rather ashamed of the infant which I left on the doorstep of this body. But, to tell you the truth, he has been led astray by persons in this House who ought to have nursed him tenderly.

Then, again, in this Congress I introduced a resolution looking to a change in our absurd system of pairs, under which the attitude of Members on pending legislation is concealed rather than revealed. I have introduced a resolution taking away from the Speaker the power of arbitrary recognition in the matter of motions to suspend the rules. I do not mean to say that the Speaker has too much power. I doubt whether he has enough power. Perhaps we have gone from one extreme to the other. Nevertheless, I have always believed that, whenever possible, recognition should be governed by rules and customs. Ordinarily, recognition ought to be a right. Certainly it ought never to be a favor.

Mr. SHERLEY. Will the gentleman tell us where he proposes to place the power touching recognition on a motion to suspend the rules?

Mr. GARDNER of Massachusetts. My resolution requires the Speaker to recognize Members on suspension day. The gentleman would naturally say that under such a rule recognition would depend on youth, agility, and vociferousness. To a greater or less extent that is true.

Mr. SHERLEY. I am not criticizing the gentleman's resolution. I am asking for information.

Mr. GARDNER of Massachusetts. I understand that the gentleman is not criticizing. I am not satisfied that the resolution I have introduced would accomplish the object which I seek; but with good faith on the part of the Speaker I think it would do so.

Mr. Chairman, I do not intend this afternoon to discuss the rules in general except so far as they relate to the clarity of our statutes. I am here to talk about certain measures which are pending before this House—measures which soon will be reported—measures whose adoption, I believe, will result in such an improvement in the drafting of our laws, that in the future their lucidity and simplicity will equal the standard set by the statutes of Great Britain.

In Great Britain the members of the cabinet have at their service an official known as the parliamentary counsel, together with his assistants. The business of the counsel's office is to draft bills for the administrative officers of the Government and to watch these bills on their passage through Parliament. As you know, Mr. Chairman, almost all the public laws which the British Parliament enacts originate with the cabinet, and the cabinet embraces the heads of the principal administrative departments of the Government. Under the British system the heads of departments are selected from the membership of Parliament.

When a bill is on its passage through Congress there are certain stages where it must be carefully watched or its meaning may be rendered obscure, contradictory, or even repugnant to the object which it is sought to attain. When an individual Member first introduces an important bill it makes very little difference whether it is well drafted or not. In reality it is but little more than a suggestion for legislation. Everyone here knows that all the important bills are reported after they are thrashed out by the committee which has jurisdiction. In reality an important bill when reported is a combination of many men's ideas, although it may carry the name of the committee chairman.

The first point, then, at which we need legislative counsel occurs when a committee is about to report a bill, for it is the bill as reported, not the bill as introduced, which is going to be considered by the House. Accordingly, at the reporting stage occurs our first opportunity of going wrong.

The next opportunity for the injection of confusion into a measure occurs when amendments are offered either in the House or in Committee of the Whole. Ill-considered amendments, plausible-sounding amendments, are often adopted by the House without the slightest consideration as to what effect those amendments in one section are going to have on some other section that has not been read, or, perhaps, has been read and agreed to. There is no let up when once a measure is under way toward its passage; no time to reconcile inconsistencies produced by hasty amendment, no chance to reform faulty or obscure wording.

The next opportunity for confusion arises when the bill is in conference. Nothing could have been clearer than the necessity of legislative counsel in the conferences that took place on the immigration bill. We conferees were criticized and forced to confer three times before we got that bill right. Very likely we might have got it right the first time if we had had legislative counsel to aid us. It is almost certain that we should have required but two conferences. But the provision of legislative counsel will not by itself insure lucidity and uniformity in our statutes. We ought to have a reference bureau as a part of the Library. It ought to be possible for Members of Congress, for chairmen of committees, for the legislative counsel to go to the Library and say, "Present to us the comparative legislation of different countries and different States on the pending question; present to us the arguments for it and the arguments against it; show us what has been done on this same line in this country or elsewhere; show us with what statutes we must beware of conflict. Give us this information in available form, concentrated and digested." Wisconsin was the pioneer State in adopting the reference-bureau system and the official bill drafting system, and certainly the statutes of Wisconsin are models of clearness.

If our statutes are to be lucid, I regard it as essential, first, that we install a reference bureau in the Library so that we may readily secure the information on which to act; and, second, that we employ legislative counselors, appointed by the Speaker for the House of Representatives. Presumably the Senate would adopt a similar plan. These legislative counselors should serve with committees when a bill is about to be reported. They should also, on occasion, have the privilege of the floor when bills of importance are up, so as to guard against the adoption of ill-drafted amendments. They should be at the service of the House managers in conferences between the two Houses.

But even then, when we have established the reference bureau, when we have supplied the legislative counsel, we must go a step further and provide ample opportunity under our rules for the counselors to exercise their functions. Suppose that the House adopts an ill-considered amendment to some bill. The counsel may be aware of the fact that the amendment distorts the meaning of half a dozen sections which have already been agreed to. He may know that the amendment creates a new crime and yet no new penalty to correspond, or that its wording covers a far wider scope than is intended. Of what use is all that knowledge if no opportunity is offered to find out just what sections are distorted, just what laws are repealed, and just what steps should be taken to get the matter into proper form? Unless a definite opportunity is offered for corrections that bill, counselors or no counselors, must go to the Senate, as it does to-day, with all its iniquities upon it.

And so I advocate the creation of a committee on bills in the third reading. To-day when a bill is before the House the stages of engrossment and third reading are consolidated. I propose their separation. To-day when all amendments have been dealt with, the question is on the engrossment and third reading of the bill. If that question is answered in the affirmative, and if the previous question has been ordered according to custom, the bill is at once put upon its passage unless a motion to recommit is interposed.

I propose that after the amendments are disposed of the question shall be on the third reading only of bills and joint resolutions. If that question is answered in the affirmative, I propose that bills and resolutions shall go at once to the committee on bills in the third reading for correction. The committee on bills in the third reading, with the assistance of the legislative counselors, will prune out all inconsistencies and false references, simplify all complexities in wording, reconcile the measure with existing statutes, and then report it back to the House. The committee should be authorized to make minor changes, but every change of importance should be reported as an amendment for the House to act upon, and every change, important or unimportant, should be clearly designated. Then, Mr. Chairman, after the report had been received and the amendments disposed of, the question would come on the passage of the bill. In this way we can at least insure the correct drafting of bills sent to the Senate. If the Senate were to adopt a similar system, the toils of a conference committee would be vastly less.

Adopting these reforms, to wit, the reference bureau, the legislative counsel, and the committee on bills in the third reading, separating the stages of the third reading and engrossment, will go far to clarify our statutes. In addition, if it can be devised, I should like to see some system adopted under which important amendments might be printed in the RECORD before they are offered. I am aware of the difficulties that present themselves in trying to adopt a change of that sort. We

might adopt the system of the British Parliament, which, to some extent, remedies the evil. If we could do so, it would help still further to clarify our statutes.

There is another reform which I hope to see adopted in time, with the same purpose in view. We try too much to work out details in our statutes. We ought to trust more to our executive officers. We try to prescribe, work out, the administration of our laws down to the last particular, apparently out of jealousy or mistrust of our departmental heads.

To use the immigration bill as an illustration once more: That bill prescribes down to the smallest detail the manner in which the reading ability of an immigrant shall be tested. Infinite and perplexing detail is characteristic of the whole of our immigration law. Now, if we only could make up our minds to place sufficient confidence in our Secretaries of Commerce and Labor no such minutiæ need be inserted. It would be quite sufficient to lay down certain broad provisions to be adjusted and enforced by rules and regulations to be laid down by the Secretary of Commerce and Labor.

The time has come—in fact, it came some time ago—when it is the permanent officials who really conduct the departments of this Government. Whether a Secretary of Commerce and Labor is favorable or unfavorable to immigration, except in a very few exceptional instances, the administration of the immigration law is certain to be substantially the same. There will shortly be presented to this House for its consideration a resolution prepared by the gentleman from Illinois [Mr. EVANS]. This resolution will provide for the appointment of legislative counselors by the Speaker. The gentleman from Illinois will likewise report in a new draft a bill introduced by the gentleman from Wisconsin [Mr. NELSON] providing for a legislative reference bureau. Both the resolution and the bill have the unanimous approval of the Committee on the Library. Incidentally I might say that the gentleman from Pennsylvania [Mr. WILSON] also introduced a bill somewhat similar to that introduced by the gentleman from Wisconsin [Mr. NELSON]. However, inasmuch as Mr. NELSON organized the hearings and brought us a wealth of information upon the subject, and, moreover, pressed the matter with the greatest intelligence, diligence, and convincingness, the committee agreed with Mr. EVANS that the measure ought to carry Mr. NELSON's name.

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

Mr. GARDNER of Massachusetts. Yes.

Mr. GOLDFOGLE. From what body would the legislative counselors be drawn? From this body?

Mr. GARDNER of Massachusetts. Oh, no; they would be the very best lawyers we could get for the price. I am informed that the Parliament of Great Britain pays $12,500 for its chief counselor and $10,000 for its second counselor.

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

Mr. GARDNER of Massachusetts. Certainly.

Mr. LONGWORTH. Does not the gentleman think it would also be a good rule to provide that bills introduced to amend statutes should on the face of the bill show the language as it would read if the amendment prevailed, either in italics or otherwise?

Mr. GARDNER of Massachusetts. I think, at all events, that every bill reported by a committee ought to show on its face the resultant reading of any statute which it seeks to amend. I am not sure that it is essential to require so much when a Member introduces a bill. I am confident that every bill to amend an existing law ought, when reported from a committee, to show not only the changes proposed but also the resultant language of the law which would follow the enactment of the amendatory measure.

Mr. LONGWORTH. That method is in vogue in the Ohio Legislature. Before it can be considered, the bill must show upon its face the new wording of the statute and the statute as it existed.

Mr. GARDNER of Massachusetts. Before it may be considered by a standing committee?

Mr. LONGWORTH. Yes.

Mr. GARDNER of Massachusetts. Suppose a bill in conflict with that rule is introduced into the Ohio Legislature, what becomes of it?

Mr. LONGWORTH. I have forgotten now whether a motion to reject would be in order, but it is such a well-fixed rule that no member would think of introducing the bill and not complying with it.

Mr. GARDNER of Massachusetts. Offhand, I should say that such a rule sounds wise.

Mr. MURRAY. Mr. Chairman, I would like to inquire if my colleague, who has given me a good deal of information since he rose, has at all considered the amendment to the rules suggested by the gentleman from Kentucky [Mr. SHERLEY] creating a committee on estimates and expenditures.

Mr. GARDNER of Massachusetts. I have that in my portfolio; yes.

Mr. MURRAY. And whether the gentleman has any opinions which he wishes to express upon that subject.

Mr. GARDNER of Massachusetts. I have not gone into it critically. So far as I have formed an opinion, I am entirely in agreement with the purpose of that resolution of the gentleman from Kentucky.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit, I will say that I introduced another resolution dealing with another matter more directly in connection with what the gentleman said to-day——

Mr. GARDNER of Massachusetts. I have that other resolution also on my desk.

Mr. SHERLEY. That was a resolution introduced some years ago for the appointment of a clerk by the Speaker, who should hold office during good behavior, and who should bear the same relation to substantive law that the parliamentary clerk bears to parliamentary law.

Mr. GARDNER of Massachusetts. I have the gentleman's resolution on my desk. I did not think to mention the fact that he had introduced it at a prior Congress, but I was aware of the fact. It was an omission on my part not to call attention to it.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. GARDNER of Massachusetts. I will yield.

Mr. GOLDFOGLE. Has the gentleman from Massachusetts considered the advisability of a rule requiring the furnishing to each Member, either in his room or on his desk, a copy of all the public bills introduced, so they may not, as is now the case, be taken unawares when a bill suddenly comes up, either by way of unanimous consent or otherwise?

Mr. GARDNER of Massachusetts. I have not considered that idea, and, as a casual opinion, I do not think that such a rule is required. Advance information as to the consideration of measures is fairly accessible to Members. Not always, but frequently, a Member's lack of diligence results in his being taken unawares.

Mr. GOLDFOGLE. That is true; but would it not be better if we have some rule, so that bills might go to the Members' rooms or——

Mr. GARDNER of Massachusetts. I can not agree that we are paid $7,500 to do nothing but say yea and nay and attend to our constituents' chores.

Mr. GOLDFOGLE. I agree with the gentleman on that.

Mr. GARDNER of Massachusetts. I really think that one of the great faults of this House is that Members do not do the drudgery which is necessary in order to train themselves to keep track of what is going on legislatively.

Mr. MARTIN of South Dakota. If the gentleman will permit, it occurred to me while the gentleman has been speaking that he has now struck at one of the great difficulties about legislation in the House, and the query has been in my mind whether if we create an expert to do all the details of this work it will not lead to still greater carelessness upon the part of individual Members?

Mr. GARDNER of Massachusetts. The gentleman from South Dakota mistakes the purpose of the resolution. The resolution does not supply legislative counselors for the use of any individual Members. There is no reason why we should not draft our own bills. If we do not know how to do it, we ought to learn. If we can not learn, we might as well give way to some one better qualified to earn a salary of $7,500 per annum. It is of no importance to the Nation whether the bill which I introduce or which you introduce is correctly drawn; the important question is whether the bill which comes out of the committee is correctly drawn. The Evans resolution provides that the legislative counselor shall be available for committees, not for individual Members. If you or I wish to introduce a bill on any subject, it is a great deal better for everyone if we puzzle it out ourselves. That is the way in which you have acquired the training which has given you your desirable standing in the House of Representatives. You have worked things out for yourself.

Mr. MARTIN of South Dakota. Does not that at least tend to develop in the House a few individuals, regarding a few particular measures, who do go to the bottom of and become experts upon that subject, and is not that a very valuable asset in legislation?

Mr. GARDNER of Massachusetts. Unquestionably; the specialist is very valuable.

Mr. MARTIN of South Dakota. It occurs to me whether or not the body of our law is not now so large that if we depend upon a legislative counselor or a body of legislative counselors who become experts upon a part of it that it may lessen this habit of individual Members becoming expert in certain branches of legislation.

Mr. GARDNER of Massachusetts. It is largely a question of judgment as to where the balance should rest. Of course I can see, as the gentleman does, the objection to hiring men to do our work for us, and for that reason I opposed in committee the proposition that these counselors should be available for the use of private Members. I took the point of view that the public has no interest in the accuracy of the drafting of a bill until the time arrives when the committee report is about to be presented.

Now, Mr. Chairman, to go on at the point where I left off. I have said that Mr. EVANS has prepared and will report a resolution providing for legislative counselors. I have told you that Mr. EVANS will also report in a new draft the Nelson bill for a reference bureau. The new draft of Mr. NELSON's bill strikes out all after the enacting clause and inserts the text of the Evans or committee bill, but that does not mean that Mr. NELSON's ideas are stricken out. As a matter of fact the Evans draft is replete with Mr. NELSON's ideas, but for the sake of convenience we have adopted the method of striking out all after the enacting clause.

Mr. HARDWICK. I desire to ask the gentleman, when does the gentleman hope to obtain consideration for this measure?

Mr. GARDNER of Massachusetts. Consideration of it can only be obtained by unanimous consent, which means, I suppose, that the matter must go over until the next Congress.

The fact is that these measures have not actually as yet been reported, although a report has been ordered. The gentleman realizes, however, that in order to get the mind of the House on any new question it usually is necessary to start the agitation some time beforehand.

Mr. HARDWICK. How many of these propositions which the gentleman has been discussing belong properly to the jurisdiction of the Committee on Rules?

Mr. GARDNER of Massachusetts. The resolution which I myself am going to introduce to-day, providing for a committee on bills in the third reading—and it is rather an elaborate rule—must of necessity go to the Committee on Rules. The proposition for the library reference bureau falls within the jurisdiction of the Library Committee. As originally introduced the library reference bureau bill provided for a bill-drafting department, with legislative counselors for the service of Senators and Representatives. The Library Committee thought it better to separate the question of a reference bureau from the counselor question. Hence the separate Evans resolution for counselors.

Mr. HARDWICK. Just a moment, if the gentleman please. The counselors matter would not belong at all to the Library Committee, would it?

Mr. GARDNER of Massachusetts. Well, we discussed that question with Mr. Crisp, and I admit that our jurisdiction would be doubtful if the matter were to come up entirely anew. But the Library Committee was given jurisdiction of the whole question when the original Nelson bill was referred to it.

Mr. SHERLEY. If the gentleman will permit, my resolution, which dealt with one subject, went to the Committee on Rules.

Mr. GARDNER of Massachusetts. Mr. Chairman, the fact is this. The four principal bills dealing with this question were introduced by Senator OWEN, Senator LA FOLLETTE, Mr. NELSON, and Mr. WILSON of Pennsylvania. All four of those bills combined the legislative reference bureau and the counselors into a separate division of the Library, under charge of the Librarian of Congress. That was the origin of our jurisdiction in the matter. Now, of course, we had no jurisdiction of any rule which contemplates a change in the manner of considering bills in this House. I, as a private Member, may introduce such a rule, and, in fact, I have drawn such a rule and propose to introduce it, but there is no way by which I can steer it within the jurisdiction of the Library Committee.

Of course, this whole question probably will not arise until the next Congress, but I sought this opportunity to explain the whole scope of our plan and the correlation of its various parts, in order, if I might, to interest the Members in this effort to improve the composition of our statutes. I felt that some one ought to explain that the problem, in our opinion, must be dealt with in separate parts by different committees. Without a full knowledge on the part of the House of the entire plan I believed that we should be exceptionally handicapped in its proper execution.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GOOD. Mr. Chairman, I yield five minutes to the gentleman from Ohio [Mr. SHERWOOD].

Mr. SHERWOOD. Mr. Chairman, I read from the report accompanying this bill:

In the hearings before the committee it is stated that $30,000,000 will be required to make payment of pensions under the act of May 11, 1912.

From all the information that I can obtain from the Pension Office, no later ago than last week, the bill of May 11, 1912, will not take out of the Federal Treasury in the ensuing year over $22,000,000. The statistics that I was able to obtain from the Pension Office on last Thursday are as follows:

Three hundred thousand cases have already been adjudicated or passed upon. The average increase on those 300,000 cases is $6 per month, or $72 per year. That makes the aggregate increase $21,600,000 on account of this bill.

The soldiers of the Civil War are dying at the rate of about 3,000 per month, or about 36,000 per year, and the number of deaths that will occur within the ensuing year will more than offset the pensions to be further allowed, which amount to a very few outside of those that are in dispute, where the evidence is not sufficient. I find also that this increase of pensions is largely on account of the war against the Filipinos or in the Philippine Islands. There are now on the pension rolls 59,638 soldiers outside of the soldiers of the Civil War, and there are not over 1,300 soldiers outside of the soldiers of the Spanish-American War and the Philippine insurrection, which would include the soldiers of the War with Mexico.

I find the average pension paid to the soldiers who lost their health in the Philippines, or from disability, is $160 per year, an aggregate of $9,542,080. That increase is not on account of the Sherwood pension bill passed last May, but it is on account of pensions drawn under other pensions laws and in other wars.

You will remember that when the bill known as the Sherwood pension bill was under discussion in the House there were amendments put on that bill on the floor of the House that increased the aggregate over and above the amount of the bill as framed by the committee between $11,000,000 and $12,000,000, and you will recall also that on a stand-up vote in this House, when the House was in Committee of the Whole, it lacked only 23 votes, or a change of 13 votes, to have passed a bill that would have carried $75,000,000, not for pensions based on service but based upon age alone.

I think it is due to the House to know that when that bill came back from the Senate, with the Pension Office report claiming that the original House bill would carry $75,000,000, I stated on the floor of this House that this bill as amended in the Senate would not carry over $22,000,000.

These figures are fairly verified by the statistics from the Pension Office, obtained last week, indicating that it will not carry over $21,600,000. Hence the charge is unfounded that we have increased by $75,000,000 the pension roll on behalf of the soldiers of the Civil War—a charge made in the New York Herald last week; also charging me with the responsibility of that bill. Instead of its being $75,000,000, it will be less than $22,000,000. I have an idea—and I do not want to advise this committee—that the pensions under that act could be cut at least $8,000,000 and still leave enough to pay all the pensions under that law.

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

The CHAIRMAN. Does the gentleman yield?

Mr. SHERWOOD. Yes.

Mr. BARTLETT. Will the gentleman take the responsibility of offering an amendment to reduce the amount?

Mr. SHERWOOD. I would not take the responsibility of advising any committee of this House, because I have perfect confidence in the judgment of the committee.

Mr. BARTLETT. I will say to the gentleman from Ohio that if we could reduce this amount I for one would be very glad to do it.

Mr. SHERWOOD. I am giving you the best figures I could obtain from the Pension Office.

Mr. BARTLETT. We had the officials from the Pension Office before us. They said before that it would be nearly $75,000,000, and they came near proving it from the estimates we have.

The CHAIRMAN. The time of the gentleman has expired.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. BULKLEY having taken the chair as Speaker pro tempore, a message from the President was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On February 7, 1913:

H. R. 23451. An act to pay certain employees of the Government for injuries received while in the discharge of their duties;

H. R. 2359. An act to refund certain tonnage taxes and light dues;

H. R. 12813. An act to refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1909, and prior to January 1, 1911;

H. R. 20385. An act to reimburse Charles S. Jackson; and

H. R. 24365. An act providing for the taking over by the United States Government of the Confederate cemetery at Little, Rock, Ark.

On February 10, 1913:

H. R. 25741. An act amending section 3392 of the Revised Statutes of the United States, as amended by section 32 of the act of August 5, 1909;

H. R. 26549. An act to provide for the construction or purchase of motor boat for customs service; and

H. R. 27157. An act granting an extension of time to construct a bridge across Rock River, at or near Colona Ferry, in the State of Illinois.

On February 11, 1913:

H. R. 8151. An act providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road, and of conflicting claims to lands within the limits of said grant; and

H. R. 23351. An act to amend an act entitled "An act to provide for an enlarged homestead."

On February 12, 1913:

H. R. 8861. An act for the relief of the legal representatives of Samuel Schiffer; and

H. R. 25002. An act to amend section 73 and section 76 of the act of August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes."

On February 13, 1913:

H. R. 21524. An act for the relief of Frederick H. Ferris;

H. R. 27879. An act providing authority for the Northern Pacific Railway Co. to construct a bridge across the Missouri River in sec. 36, T. 134 N., R. 79 W., in the State of North Dakota;

H. R. 27944. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27986. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27987. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 27988. An act to extend the time for constructing a bridge across the Mississippi River at Minneapolis, Minn.;

H. R. 28186. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 16450. An act to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles in process of transportation in interstate shipment, and the felonious asportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same.

On February 14, 1913:

H. R. 15181. An act for the relief of Harry S. Wade;

H. R. 18425. An act for the relief of Simon Nager;

H. R. 28094. An act to amend section 96, chapter 5, of the act of Congress of March 3, 1911, entitled "The Judicial Code"; and

H. R. 1332. An act regulating Indian allotments disposed of by will.

PENSION APPROPRIATION BILL.

The committee resumed its session.

Mr. BARTLETT. Mr. Chairman, I yield 40 minutes to the gentleman from Texas [Mr. CALLAWAY].

The CHAIRMAN (Mr. GARRETT). The gentleman from Texas [Mr. CALLAWAY] is recognized for 40 minutes.

Mr. CALLAWAY. Mr. Chairman, I want to discuss a report (No. 1566) from the Committee on Expenditures in the Interior Department, filed by Mr. HENSLEY, chairman of the subcommittee which went to Arizona to make an investigation of the Salt River irrigation project and the irrigation project on the Gila River Indian Reservation. I was a member of that committee. We had with us Judge M. C. Burch and E. C. O'Brien from the Department of Justice and the office of the Attorney General, who rendered us material aid in our investigation and also in the preparation of this report.

Mr. Chairman, in order to make myself clearly understood, it will be necessary for me to give the gist of the desert-land laws applicable, because that is desert country, and also the gist of the reclamation act passed in June, 1902. The desert-land act provides for the sale of desert land in certain States and Territories and is, in part, as follows:

> Any person of requisite age, upon payment of 25 cents per acre, may file a declaration under oath with the register and the receiver of the land district in which any desert land is situated that he intends to reclaim a tract of desert land not exceeding one section by conducting water upon same within the period of three years thereafter: *Provided, however,* That the right to the use of water by the person so conducting the same on or to any tract of desert land of 640 acres shall depend upon bona fide prior appropriation. At any time within the period of three years after filing said declaration, upon making satisfactory proof to the register and receiver of the reclamation of said tract of land in the manner aforesaid, and upon the payment to the receiver of the additional sum of $1 per acre for a tract of land not exceeding 640 acres to any one person, a patent shall be issued to him: *Provided,* That no person shall be permitted to enter more than one tract of land and not to exceed 640 acres. * * * Nothing herein contained shall prevent a claimant from making his final entry and receiving his patent at an earlier date than hereinbefore prescribed, provided that he then makes the required proof of reclamation to the aggregate extent of $3 per acre: *Provided,* That proof be further required of the cultivation of one-eighth of the land.

You can see from the excerpts that I have read that the law provides that any person may take up one section, and no more, of this land by paying 25 cents per acre, filing fees, and doing sufficient work any time within three years to amount to $3 per acre and by paying to the receiver $1 per acre on the land by him filed upon. He has three years within which to do the work, but he may do the $3 worth of work per acre within one or two years, and when the $3 worth of work per acre is done and proof of it made and $1 per acre paid he can secure his patent.

Following this act in 1902, Congress passed the national reclamation act, part of which I will read:

> That upon the determination by the Secretary of the Interior that any irrigation project is practicable, he may cause to be let contracts for the construction of the same. * * * *and thereupon he shall give public notice of the lands irrigable* under such project and limit of area per entry, which limit shall represent the acreage which, in the opinion of the Secretary, may be reasonably required for the support of a family upon the lands in question; *also of the charges which shall be made per acre upon the said entries and upon lands in private ownership* which may be irrigated by the waters of the said irrigation project, *and the number of annual installments,* not exceeding 10, in which such charges shall be paid and *the time when such payments shall commence.* The *said charges shall be determined with a view of returning* to the reclamation fund THE ESTIMATED COST *of construction* of the project. * * * No right to the use of water for land in private ownership shall be sold for a tract exceeding 160 acres to any one landowner, and no such sale shall be made to any landowner unless he be an actual bona fide resident on such land, or occupant thereof residing in the neighborhood of said land, and no such right shall permanently attach until all payments therefor are made. * * * All moneys received from the above sources shall be paid into the reclamation fund. * * * *Provided,* That *when the payments required by this act are made for the major portion* of the lands irrigated from the waters of any of the works herein provided for, *then the management and operation of such irrigation works shall pass to the owners* of the lands irrigated thereby, *to be maintained at their expense* under such form of organization and under such rules and regulations as may be acceptable to the Secretary of the Interior.

The object of this act was to build reservoirs for the storing of flood water in desert-land country, and from these Government-built reservoirs to irrigate land not otherwise arable and to carry on this work in conformity with the laws of the State or Territory in which it was being done. The terms of the law required the Reclamation Service, through its engineers, to determine first *the feasibility of the project, the area* to be recovered or irrigated by the project and *the estimated cost* of completing the project and the *division of that cost into annual payments not exceeding 10.* One provision of the law is that *when the project is completed* and the payments, required by the act, are made for the major portion, *then the management and operation shall pass to the owners* to be maintained *at their expense* in such form of organization and such rules and regulations as may be acceptable to the Secretary of the Interior.

The Reclamation Department was organized from what had theretofore been the Geological Department of the Government, and Mr. F. H. Newell, now at the head of the Reclamation Service, was taken from the place of chief hydrographer in the Geological Department and put into this department.

My information is that one of the arguments used to get this reclamation act passed, which enabled the Government to build water-storage reservoirs, was the project theretofore investigated and recommended by the Army Engineers under the direction of the Geological Department, known as the San Carlos Reservoir, on the Gila River, in Arizona. The pressing reason for the examination of the Gila River site was the complaints from the Pima Indians, four or five thousand of whom lived along the Gila River, below the San Carlos dam site, where they had been irrigating land for something like 200 years. The water in the Gila River had ceased to be sufficient to answer their demands because of settlers on the river above them diverting it.

The question of supplying these Indians with water to which they had unquestioned right and to care for the Government's wards was the issue at that time pressing. The site was examined by the Government engineers, declared feasible, and estimated to cost $1,038,926. The drainage area of that reservoir was stated in that estimate to be between thirteen and fourteen thousand square miles. The investigators who made this estimate spent $40,000 in the examination of various projects in the desert country with the purpose of locating one great reservoir as an experiment at the most practicable place. San Carlos was determined on as that place, as shown by Water Paper No. 33.

A number of other places were investigated at the same time, among which was the Tonto dam site, which later became known as the Roosevelt site. It was estimated to cost $1,908,387, and the drainage area was estimated to be between five and six thousand square miles. The dam in this estimate of the Roosevelt site was to be 247 feet above the foundation, 190 feet available storage, and water capacity 840,000 acre-feet. This estimate also included a cement plant, power plant, power house, and canal, and river diversion and roads, and estimated the cost per acre-foot at $2.27. (See Storage Salt River No. 73, by Arthur P. Davis, p. 52.)

The San Carlos site was on the Indian reservation and the land to be submerged by the reservoir was Indian reservation or public lands, and the land under the dam-site irrigable by it was on the Pima Indian Reservation or public lands. This site was within 6 miles of the railroad. The Tonto site was 80 miles from the railroad, was in private ownership, and the land to be submerged by the impounded water was in private ownership, and nearly the entire area to be irrigated was in private ownership, the bulk of which had been irrigated and farmed for years.

Following the reclamation act and the organization of the Reclamation Service there was much discussion of the different sites and a determined effort on the part of proponents of each different site to get the Government to locate the first project with them. The Arizona project was switched from the San Carlos, which had theretofore been the preferred site, on account of the pressing needs of the Indians, the necessity of the Government to take care of its wards, and the other superior advantages to the Tonto or Roosevelt site.

We made an effort to find the reasons—not the pretended reasons, but the real reasons—why the switch was made, but we have been unable to satisfactorily get the facts.

Mr. Weedon, who was then and is now a citizen and newspaper man of the Gila River Valley, stated before our committee that when the question was asked Mr. Newell how the project could be switched from the San Carlos site to the Tonto or Roosevelt site he said, "Go to my friend, George H. Maxwell. He can likely point the way." George H. Maxwell was at that time in the employ of the railways of the Southwest, advertising for them and stimulating immigration and business in that country for them.

There was then made an estimate of the cost of the Roosevelt Dam and published in the first annual report of the Reclamation Service, on page 102, increasing the estimate to $1,909,387. This report was made by F. H. Newell, chief engineer. There was another discussion of the Salt River project in the second annual report of the Reclamation Service in which it was stated that the various operations were under the direction of Arthur P. Davis, supervising engineer, who was acting, also, as district engineer. The estimate was not itemized, but at the bottom of page 49, of that report, there is a statement that about 200,000 barrels of Portland cement would be needed in the work and the total cost was placed at $3,000,000. This estimate placed the top of the dam at 270 feet above the foundation and 240 feet above the channel of the stream. There is a general discussion of the Salt River project in the third annual report, but no itemized estimate made, nor any general summary of the cost. The power plant is, however, discussed relative to the pumping of underground water in the Salt River Valley in order to increase the amount of water for irrigation purposes. Statements are made in the reports from the third to the eleventh of what the cost has been, but I have found no estimate of what the final cost would be. It is proper to state, however, that the Granite Reef Diversion Dam below the mouth of the Verdi River on the Salt River was not in the original estimates, neither were the distributing canals.

The people of the Salt River Valley had some diversion dams that were answering their purpose up to 1905, and they owned the distributing system to the uttermost laterals, as stated in the second annual report of the Reclamation Service, page 46. In 1905 there were some unusual rains that washed out the diversion dams and made it necessary to put in a new system of diversion works. It was at this time that the Granite Reef Dam was determined on and negotiations begun between the Government and those owning the canal system for the Government to take over the canals on the north side of the river. Granite Reef Dam cost $622,784.04. The canal system cost about $500,000. It was proper and necessary to put in the Granite Reef Dam. It was a legitimate additional expenditure. The taking over of the canal system was, in my judgment, not proper, nor was the way in which it was taken over defendable.

The Salt River Valley Water Users' Association in their organization and incorporation got the idea from somewhere, I have not been able to locate where, that the estimated cost of the Salt River project was $3,850,000. They organized on that basis with the understanding that the reservoir would accommodate 250,000 acres of land, and divided their stock into 250,000 shares, one share for each acre, and valued them at $15 per share.

The eleventh annual report shows an expenditure of $10,851,327. This woeful discrepancy, when called to the attention of the committee, led us to believe that there was something that should be explained, and because of these discrepancies and because of the complaints from the water users on Salt River Valley, we went out there as a subcommittee to make an investigation.

Our investigation of the law and of the manner of operating the project led us to believe there was a serious question as to whether or not the Government could recover more than the original estimated cost of the project. Our judgment was that under the law those who had accepted under the original estimate could not be made to pay more than they understood at the time they accepted. I think an examination of the law will readily convince any reasonable man that there is serious question whether or not more can be collected on any acre than was estimated. The laws says: "Upon the determination by the Secretary of the Interior that a project is practicable he may cause to be let contracts, and thereupon he shall give notice of the land irrigable under such project, *also the charges which shall be made per acre upon* the said entries *and upon lands in private ownership and the number of annual installments* in which such charges shall be paid *and the time when such payment shall commence.*" I think a clear reading of the law shows that the Secretary is to determine the practicability of the project, the number of acres to be included, and the cost per acre, and the number of payments into which that cost shall be divided and the time when the payments shall be made. This does not appear to me to need any construction or interpretation. It is clear language. The law says further: "*All moneys received from the above source shall be paid into the reclamation fund.*" It does not say that maintenance charges shall be charged and those operating the project may use the funds in furthering the project, but it says the moneys received from the above source shall be paid into the reclamation fund. And it further says in section 6 that the Secretary of the Interior is hereby authorized and directed to use *the funds for the operation and maintenance* of all reservoirs and reclamation works constructed under this act.

It occurs to me that this is clear, and it means that the moneys derived from the installments *shall go into the fund*, and that the moneys derived from the installments are all that the operators of the project can collect. After the above statement in section 6, the law goes on further to say that when the payments required under this act are made for the major portion of the land irrigated *then the management and operation* of such irrigation works *shall pass to the owners to be maintained at their expense.* If this does not mean that the project is to be maintained at the Government's expense until it is turned over to the owners, then I can not understand the meaning of plain English.

My view of this law is borne out by the holdings of the court in the case of Baker against Swigart, No. 2125, United States Circuit Court of Appeals for the Eastern District of Washington, northern division, Gilbert, Ross, and Hunt, circuit judges. Baker was the owner of certain land in Yakima, Wash. He made application for a water right under the Sunnyside unit of the Yakima project. His application was accepted by the Secretary of the Interior, and he was to receive water out of a ditch called the Sunnyside ditch, for which he was to pay $52 per acre in 10 annual installments. The officers of the Reclamation Service made an assessment against Baker to the extent of 95 cents per acre for the use of the water and demanded payment. He refused to pay the charges assessed, and the officers of the Reclamation Service shut off the water and threatened to continue to refuse to supply water unless the applicant paid the charges demanded from time to time, as assessed as a maintenance charge for the said ditch. He claimed that the charge was without authority of law, and the court

held that in that case, in which they cited a great number of authorities, *the Government could not collect maintenance charges*, but was confined to the original estimate divided into 10 payments. I understand that that case has been appealed to the Supreme Court. If the case is there affirmed, the Government will lose, in the Arizona project, the difference between the original estimated cost and the amount that has been expended, which has now run up to something over $12,000,000.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. CALLAWAY. Certainly.

Mr. RUCKER of Colorado. Is it not true in reference to the matter that the gentleman speaks of that the additional amount of money to be expended was on account of an increased storing of the water and the increased cost of the dam, an consequently an increased area to be irrigated?

Mr. CALLAWAY. No, sir; the original area estimated to be irrigated was 250,000 acres, and the area that they now state they can irrigate is 170,000.

Mr. KINKAID of Nebraska. Will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. KINKAID of Nebraska. Did the committee ascertain whether, when the additional expenditures were made over and above the original estimate, new contracts were made with the water users binding them to accept all the new conditions and thus obligate themselves to pay the additional cost?

Mr. CALLAWAY. Yes; we did. But we found that the Government never made a contract with the people under the project at any time and had never promulgated their estimate as to what the project would cost as is required by law, but had orignally made an estimate and have gone on increasing expenditures without any consultation with the farmers under the project, with Congress, or anybody else.

Mr. KINKAID of Nebraska. Will the gentleman yield for another question?

Mr. CALLAWAY. Yes.

Mr. KINKAID of Nebraska. Was there an estimate in the first instance of the cost?

Mr. CALLAWAY. Yes; there was an estimate made, as shown by the reports of the Secretary of the Interior for 1905. I can give the gentleman the page of that. It is on page 81.

Mr. KINKAID of Nebraska. That is, an estimate is made of the cost, and the entryman is informed of that estimate?

Mr. CALLAWAY. The entrymen were informed of that; and the people in the valley organized on that basis and divided the stock into the number of shares that the estimate gave as the number of acres that could be irrigated—250,000 shares at $15 a share.

Mr. KINKAID of Nebraska. I will take the reference and look that up.

Mr. CALLAWAY. Mr. Chairman, I want to say that there were some things done that were not included in the original estimate. One of them was the building of a diversion dam at the point where they wished to turn water into the canals, and this diversion dam cost $622,784. I do not know whether or not the cost of the diversion dam was included in the estimate made by the Secretary of the Interior in his report of 1905. I have never seen an itemized estimate that reached the $3,850,000 given as the total in the report of the Secretary of the Interior for 1905. The original itemized estimates, as I have heretofore stated, are found in "Water storage on the Salt River," by Arthur Powell Davis, No. 73, page 52, and in the First Annual Report of the Reclamation Service, on page 102, and in the Second Annual Report of the Reclamation Service, page 49. None of these itemized estimates include the diversion dam or the canal system, but none of them reach $3,850,000.

The canal system was owned by the people of the valley, and they had been using it for years prior to the Government beginning this project and were irrigating something like 135,000 acres of land. It seems that it was not the original purpose of the Reclamation Service to have anything to do with the canal system, but when the diversion dams were washed out of the river by the 1905 floods and it became necessary to build new diversion dams the reclamation people then got it into their heads to take over the canal system also. This is one of the unqualified outrages perpetrated on the small landholders in the valley by the Government officials and in the interest of a few men who owned the stock of these canals.

Mr. L. C. Hill, the supervising engineer, testified that he made an investigation and paid what it would cost to parallel the canals owned by the corporations. This money went to the stockholders and the bondholders of the canals, and the people of the valley, who had paid $12.50 per acre for what they called indefeasible water rights—that is, the right to have water conveyed through these canals to their land—were ignored and their indefeasible water rights scaled off, and what they had theretofore regarded as an appurtenance to their lands confiscated, and these canals charged up anew to the whole people against their lands as part of the project.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CALLAWAY. Certainly.

Mr. GREEN of Iowa. Is it not a fact that in addition to that they did in fact parallel some of those canals with a canal just practically the same size?

Mr. CALLAWAY. Yes; and I am going to come to that a little later. If I do not, I wish the gentleman would call my attention to it.

Mr. HILL. Mr. Chairman, before the gentleman leaves that I would like to ask him a question. Did I understand the gentleman correctly that the cost of maintenance was not a proper charge to the users of the water?

Mr. CALLAWAY. Here is a decision rendered by the United States Circuit Court of Appeals for the Ninth Circuit, Baker *v.* Swigart, No. 2125, State of Washington, holding that the maintenance charge is not a thing that can be assessed and collected by the Government from the users, unless included in the estimate and parceled in the 10 payments.

Mr. HILL. And the gentleman understands that in all these irrigation projects in the future the Government has to maintain the dam and water supply without any recourse to anybody for the cost of maintenance?

Mr. CALLAWAY. This court holds that the whole thing should be estimated and must be estimated according to the law, and put in the original estimates, and must be divided into equal payments not exceeding 10, to be collected from the water users within the project.

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

Mr. CALLAWAY. Yes.

Mr. GARNER. In other words, the essence of that decision is that where the original estimate is made and landowners are taxed for maintenance on that basis the Government can not collect anything in excess of that estimate?

Mr. CALLAWAY. That is it exactly.

Mr. MANN. That is not what the gentleman said it holds. Let us really understand the decision. The gentleman stated that the whole maintenance charges had to be included in the original estimate and collected in 10 installments.

Mr. CALLAWAY. That is what I said.

Mr. MANN. That would mean, perhaps, for a thousand years of maintenance charges. That can not be the decision.

Mr. CALLAWAY. No; the gentleman has mistaken what I said.

Mr. MANN. I might mistake what the gentleman means.

Mr. CALLAWAY. That is the installing of the project, and until it is finally turned over to the settlers. Then they take hold of it and maintain it themselves under the direction of the Secretary. This project has never yet been turned over.

I was discussing the question of the purchase of the canals and the fact that new people taking up land, who never owned any water rights, who had no interest whatever in the canals, and who had never paid a cent for water rights but had taken up land on the desert, or owned land in the valley after the water had all been appropriated, came in exactly on the same footing as farmers who had water rights and had been cultivating for years. A Dr. A. J. Chandler, who had on the south side of the river dummy entried 18,000 acres of land, defrauded the Government out of it, and had dug a canal for the purpose of conveying water to the land, but who had never had any water because of there being none, came into this project on exactly the same footing as the old farmers in the valley and the Indians. I can not understand why the Government agents would advise or be a party to such a deal, unless they were influenced by interest, prejudice, or favor. Such an injustice was committed by this deal that my suspicions were aroused. But that was not all. Mr. Murphy, an old settler in the valley and a man who understood the canal system and the irrigation business, testified, at page 324 of hearings, that two canals run at the proper place would have better served the purposes of the entire valley on the south side of the river than did the five that the Government purchased. Were our engineers competent? Were they honest to the interest of the farmers in the valley? According to Mr. Murphy's testimony, neither can be true. We purchased five canals and paid the amount of money it would take to parallel all five when we could have dug two canals which, according to Mr. Murphy, would have better answered our purposes.

That is not all of this canal proposition. When we purchased the canals and paid what it would take to parallel them we did not get them. The canal company, prior to the time they sold us the canals, sold the power rights on them to the Pacific Gas & Electric Co. We then proceeded to make a

contract to get all the rights on these canals. This company immediately capitalized the contract giving them the exclusive right to dispense light and power in the city of Phoenix for $515,000. This was $15,000 more than we paid originally for the canals. This contract gave the Pacific Gas & Electric Co. exclusive right to dispense power in the city of Phoenix for a term of 10 years. The power rights on the canals is simply the right to build power plants wherever a sufficient fall on the canals can be found to generate power.

Mr. KENT. If the gentleman will permit me, I would like to ask the gentleman how long that contract has to run?

Mr. CALLAWAY. Ten years.

Mr. KENT. The contract is now expired, is it not?

Mr. CALLAWAY. I think that it was made in 1907.

Mr. KENT. As I understand it, the contract has now only about three or four years to run.

Mr. CALLAWAY. I can not tell definitely about that. I think it began to run from the time they commenced to receive power. I do not know just when they began to receive the power. I will turn to the contract, page 381 of the hearings, and see if I am not correct. The contract is dated June 22, 1907, and here is the part referred to:

> The party of the first part undertakes and agrees to furnish and serve electric power and continue so to do for the term of 10 years from and after the date of beginning to serve power in accordance with the provision hereinafter mentioned. The first party further agrees to furnish and deliver at all times 1,500 kilowatts at the rate of 1½ cents per kilowatt-hour.

This contract took away from the people of the valley, who built the power plant, the benefits to be derived from it and gave them over to the tender mercies of the Pacific Gas & Electric Co. Those who had bound their land to get cheap power were subjected to the avarice of a combination in the city of Phoenix into whose hands the Interior Department had delivered them.

Mr. Hill says, in an Associated Press dispatch, dated Los Angeles, February 10:

> It is not true that the Pacific Gas & Electric Co. has a monopoly on the power developed by the Salt River project.

I want to test the accuracy of Mr. Hill's statement by quoting from article 11 of the contract:

> ART. 11. The party of the first part further agrees, while serving power to second party under the terms of this contract, to refrain from entering into a general retailing of power to customers in the city of Phoenix, Ariz., or from furnishing power to anyone in said city to be again sold or retailed.

This contract was signed by L. C. Hill, party of the first part, and the Pacific Gas & Electric Co., by F. H. Ensign, manager, and by W. L. Percy, secretary, and approved by George W. Woodruff, Acting Secretary of the Interior.

That looks like an exclusive contract to me. It looks like it to the people of Phoenix, who are paying from 15 to 20 cents per kilowatt-hour for electricity.

Mr. Hill said, in this same interview, that the plant at the dam generates 9,000 kilowatts and the combined plants in the irrigation project develop 18,000 kilowatts. Where are any other plants than that one at the dam? Mr. Hill testified before our committee (hearings, p. 535):

> We have a contract which obligates us to retain for the Pacific Gas & Electric Co. 1,500 kilowatts and more.
>
> Q. How much more?—A. They have to have 2,200 kilowatts. The contract that we have for the creamery calls for 500 kilowatts; the ice plant, 100 kilowatts. We have that contract in existence with the Alfalfa Mill, which, I understand, is to be rebuilt; that takes 100 kilowatts. The pumps connecting up take 350 kilowatts; a total of about 3,500 kilowatts.
>
> Q. You said you could generate 8,000 when you got the next units in.—A. That is correct. We have one company that wants 10,000 kilowatts.
>
> Q. That is more than you can furnish?—A. Yes.
>
> Q. You have only 8,000 kilowatts when the units are all in?—A. Oh, yes.

This was in May, 1912. Mr. Hill was testifying under oath before our committee. He said when all the units were in and the plant complete at the Roosevelt Dam it would generate 8,000 kilowatts, but now states, in this interview, that the combined plants develop 18,000 kilowatts. This accords fairly with the character of statements different members of this Reclamation Service have been making from its beginning. My judgment is that there is something wrong in the head or the heart of the Government agents in this Reclamation Service. I can not understand how sensible and honest men acting for the Government in the interest of the people could advise a contract like the one with the Pacific Gas & Electric Co., which deprives the people—who have bound their land to pay for it—of the benefits of the plant, and then, when cornered, make a statement like this one. That company gets its power at 1½ cents per kilowatt-hour. This man Hill, in his Associated Press dispatch from Los Angeles, says that is a good price. Testifying before our committee under oath in Phoenix, Ariz., last May, he said:

> At the present time during the construction period we have charged them—
>
> The Indians—
>
> for the power used for operation at the same price it cost us to generate it.
>
> Q. What is that?—A. It runs from 6 to 8 cents per kilowatt-hour.

He was at that time furnishing the Pacific Gas & Electric Co. electricity under this contract at 1½ cents per kilowatt-hour. This company was retailing it to the people of Phoenix at from 12½ to 20 cents per kilowatt-hour.

The Government Indian school in the city of Phoenix had at that time to deal with the Pacific Gas & Electric Co. in order to get from the Government project light and power. The Government sells it at 1½ cents and buys it back at from 12½ to 20 cents. This is the fruit of a contract engineered by L. C. Hill, supervising engineer, and approved by F. H. Newell, the head of the Reclamation Service, and indorsed by James R. Garfield, then Secretary of the Interior, and defended by the present Secretary of the Interior, Walter L. Fisher.

That is not all. Just above the city of Phoenix, in the Salt River Valley, there is an Indian reservation. Those Indians have been irrigating land there from time immemorial. When the Arizona Canal was dug their water rights were recognized, and the company, in order to get the right of way across this reservation for the Arizona Canal, agreed to turn to these Indians 700 miners' inches of water, what the court decided them entitled to, in exchange for this right of way. This water came out of the canal before it reached any of the settlers in the valley, and the consequence was the Indians always had water when there was any carried by this canal. The Government agents, when they took over the canal, entered these Indians into the project by contract approved by the Secretary of the Interior, Mr. Garfield, which bound their lands for the same amount per acre as the land of Mr. A. J. Chandler, which had not one drop of water prior to the time the flood waters were impounded. They were bound to pay as much under this arrangement for water, a thing that they had already, as any new settler within the project, though he had never had any water rights, had never had any farm, had never been out 1 cent for water privileges. The Indians were taken in by these Government agents on an exact footing with the small farmers in the valley, who had already paid from three to seven times over for their water privileges.

Mr. MONDELL. Will the gentleman yield?

Mr. CALLAWAY. I will.

Mr. MONDELL. To what Indians does the gentleman refer?

Mr. CALLAWAY. The Pima Indians.

Mr. MONDELL. On the Verde?

Mr. CALLAWAY. Not on the Verde, but on the Salt River, below the mouth of the Verde, just above Phoenix.

That is not all. On the other side of the river there is this man Chandler, who had 18,000 acres that he picked out, and dummy entried in such a way that he could irrigate it with one canal. For the benefit of those who might not understand what I mean by dummy entry, I will say that under the desert-land act an individual can only file on 640 acres of land. He is to swear in his application that he is not acting in collusion with anyone else, but is applying for the land for his own use with the intention of reclaiming it from the desert by irrigating it. When he has done $3 worth of work per acre and cultivated and irrigated one-eighth of the tract, provided he does that within the term of three years from the date of his filing, he is entitled to patent. Chandler got different individuals to make these affidavts—some men, some women. He then employed W. H. Code as engineer to lay out and construct an irrigation canal so as to convey water to this land. When this was done, each of the individuals made his proof based on this canal that $3 worth of work per acre had been done and that one-eighth of the land had been cultivated, and secured his patent which he then conveyed to Mr. Chandler.

The truth about it is that this canal and these 18,000 acres had no water. The water in Salt River had been appropriated prior to the time Mr. Chandler went into the valley. He stated before our committee, under oath, that he had no water for this land. The supervising engineer for the Reclamation Service, and acting agent for the Government, Mr. L. C. Hill, entered this land, of which the Government had been defrauded, into the project, and purchased Mr. Chandler's dry canal, and paid him for it what it would cost to parallel it. Mr. Hill testified that that was the price he paid for it. The consequence of this deal was that this land, theretofore worthless, was then

worth from $100 to $150 per acre, and Mr. Chandler, for a worthless dry ditch, put into his exchequer $187,000.

That is not all yet. A little later this same supervising engineer, L. C. Hill, found it necessary to parallel this ditch after he had bought it from Chandler with what is known as the highland canal, taking in some more land adjoining Chandler's 18,000 acres. This highland canal, according to the testimony before our committee, will serve every acre of land that the Chandler canal will serve.

That still is not all. Though Mr. Hill paid Chandler what it would cost to parallel this consolidated canal, he did not get the canal. Mr. Chandler retained the power rights on it. If the power rights on this canal are as valuable as the Pacific Gas & Electric Co. found the power rights on the north side to be, we may infer that Mr. Chandler has a right on this canal that is worth more than the canal itself. So long as he retains the power rights on this canal we perforce must allow water to pass through that canal to furnish the power, though it would be to our advantage to put all that water through the highland or some other canal. We said in our report that we found nothing culpable, but many things questionable. In connection with the things I have mentioned that to me look questionable, we found that Mr. Hill came from Detroit, Mich., the domicile of D. M. Ferry and C. C. Bowen, of the D. M. Ferry Seed Co.; that Mr. Chandler came from Detroit, Mich.; that Mr. C. S. Witbeck, the attorney for the Reclamation Service in Phoenix, who advised with reference to these contracts, came from Detroit, Mich.; that Mr. W. H. Code, Mr. Chandler's private engineer, who laid out this canal, was chief engineer for the Indian Bureau while all these contracts were being made, and that he was also vice president of the Chandler Bank in Mesa, of which bank Mr. Chandler is president. There may be nothing legally criminal in these transactions, but, according to my standard, moral crimes innumerable have been committed and justice has been outraged.

F. H. Newell, head of the Reclamation Service, and Secretary Fisher came out in a statement on February 11, printed in the Evening Star, of this city, in which they say that Adams and Newell have been criticized without notice and without hearing, and that many of the charges made can have no creditable foundation whatever to support them. I want to say that they had a representative before the committee who knew every detail of that project and advised with reference to the contracts that were made and has supervised not only the engineering works in the Salt River project and on the Gila River project, but has been in control of the details of each and every thing criticized—L. C. Hill. He sat in the room during the whole time this examination was going on. He heard every witness testify and had the privilege of asking questions, making explanations, or entering his denials and of defending himself and the Reclamation Service and its work in the valley. I want to say, further, that he is as wary and wily a gentleman as I have ever come in contact with. He is tough fibered, physically and mentally. He has a good many of the elements of the cat in him and always strikes feet down. It would be interesting to examine Mr. Hill's evidence in the hearings had before our committee.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CALLAWAY. Yes.

Mr. GREEN of Iowa. I will say, in addition to what the gentleman has spoken of, that when I was down there several years ago I saw another ditch running parallel to one of the original ditches that was put in there before they had a drop of water to turn into any ditch.

Mr. CALLAWAY. I will say to the gentleman that by nosing around down there he could find almost anything. He would only need sufficient time.

Mr. GREEN of Iowa. I think the gentleman is right.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CALLAWAY. I wish the gentleman from Georgia [Mr. BARTLETT] would give me 10 minutes more.

Mr. BARTLETT. I yield to the gentleman 10 minutes more.

The CHAIRMAN. The gentleman from Texas [Mr. CALLAWAY] is recognized for 10 minutes more.

Mr. CALLAWAY. That is not all. These men—Code, Hill, and Newell—designed a project on the Gila River for the purpose of taking in the Pima Indians or the Federal Treasury. They were going to supply them with water carried from wells in a canal system, one end of which was on the north bank of the Gila River and the other end within 4 miles of Chandler's 18,000 acres. These parties planned this Gila River irrigation project for the Pima Indians, though the Pima Indians were protesting against it, stating that they would not accept pumped water. According to the plan water was to be pumped from deep wells into these canals and supplemented with flood water when the river was up high enough that water would enter the mouth of the canal on the north bank of the river. This trio got an appropriation for this project of $540,000, $100,000 of which they used in constructing a transmission line from a point a mile above Mesa, directly south 15 miles, to the north line of the Gila River Indian Reservation. This transmission line strikes the main transmission line from Phoenix to the Roosevelt Dam at a switch station and runs south. At a point directly opposite a town laid off by Chandler on his land there is a switch put in that runs to Chandler's town site, where a substation is located for the diffusion of power. At this point there are two different branches of transmission lines, furnishing power for seven irrigating wells on this dummy-entered land. The Indians under this project have continuously refused to accept water pumped from the wells, and there has never been any flood waters from the rivers passed through this canal system. It stands there on the desert, a beautiful system to look upon, but it has never carried any water to Indian lands nor been a dollar's benefit, unless it be to those who worked their official positions to bilk the Federal Treasury. The reports of the said code on this project and the justifications offered to the Committee on Indian Affairs for these appropriations, that amounted in the aggregate to $540,000, called it a reimbursable appropriation.

Mr. Hill states in his Associated Press dispatch of February 19 that "this transaction has been so advantageous from the Indians' standpoint that they will profit enough by the arrangement to pay back that $100,000 within two or three years." Of course, Mr. Hill is talking to the public that know nothing at all about that project. He did not mean this statement for any man who had ever seen it or knew anything about it. The Indians up to the present time have refused to accept water under it, claiming that this well water would kill their lands, and claiming further that the burden on them, if the $540,000 was to be reimbursable, was more than they could bear. They are further bound under this contract with the water users' association of Phoenix, if they accept power, to bind their lands for the same amount per acre as the people within the Salt River project who actually get water. That expense has, by this time, run up to more than $60 per acre. Mr. Hill evidently made his statement for the benefit of the people of California and other States than Arizona. Any man who understands the Pima Indians, their condition on the Gila River, and their mode of farming, and who is not a blank idiot, knows that the Indians could never pay any such price as that for any kind of water, much less alkali water. I say any man but a fool would know that, and Hill is no fool.

I stood with Hill at the mouth of this canal on the bank of the Gila River, and gazed out across the channel of that river half a mile to where there was a stream of water, and asked him how he thought water could be brought from that channel to the mouth of the canal. He said it could be done by putting in a diversion dam at that point. The diversion dam on the Salt cost $620,000.

The Indians at this place have a little brush dam which runs out part of the way into the river channel and turns some water into the mouth of a ditch from which they irrigate lowlands along next the river, a system of irrigation they have had for 200 years. Their diversion brush dam washes out with each rain, and when the river goes down they rebuild it and continue their crude system of irrigation, while Government officials bilk the Federal treasury.

The Indian Department made a report to the Committee on Indian Affairs in December last, offering a justification for an appropriation of $20,000 for the purpose of maintenance, care, and protection of the machinery and irrigation wells of this project, and for the irrigation of Pima Indian lands, including the purchase of electricity for wells and the completion of lateral ditches on the Gila River Indian Reservation, and claimed as a part of that justification that they were now irrigating on the reservation 12,000 acres of land.

Abbott and Merritt, of the Indian Department, were before the Committee on Indian Affairs with this justification for the $20,000 appropriation, and it happened that the chairman of the committee had been down to Arizona and had seen this project, and he made Abbott and Merritt admit, before his committee, that there was not an acre of land being irrigated there.

Hill, in a report on the Gila River Indian Reservation to the Director of the United States Reclamation Service, on March 9, 1911, stated that nearly parallel to the main and western branches is a line of wells 10 in number connecting with a large lateral which is fed both from the wells and from the main ditch, thus enabling the farmers to obtain river water when that is available or pumped water when it is not.

Leaving the canal at a point a little over a mile below the intake is a branch which now serves part of the land between the river and the new canal. Would not you get the idea from

reading the justification from the Indian Department and from Mr. Hill's letter to the Director of the Reclamation Service that there was irrigation going on down there? Do not you think that is the impression which all of them meant to convey? Would you not get the impression from Mr. Hill's statement in his Associated Press dispatch that all was going well with the Indians for whom he had been instrumental in spending $540,000 and binding up their lands to the amount of $60 per acre? Well, such is not the fact. They are literally starving to death because they have no water with which to irrigate their lands, notwithstanding all these outlays and all the statements from the Reclamation Service.

Mr. GRAHAM. And the machinery at the wells will rot out in 10 years.

Mr. CALLAWAY. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman has four minutes remaining.

Mr. CALLAWAY. I want to refer to a few other newspaper statements by Mr. Hill, and some articles and statements by Mr. Newell before I quit.

Mr. Hill states, in his Associated Press dispatch of February 10:

> Now, in a general way I may state the contract with the Pacific Gas & Electric Co. was given the widest and most prominent publicity before being signed.

Mr. Hill makes this statement to an Associated Press reporter in Los Angeles, a long way from the scene of that contract and domicile of the parties affected by it. Our committee had some testimony on this point while sitting in the city of Phoenix. The witness giving it was under oath and in the presence of Mr. L. C. Hill and Mr. Stannard. The witness was F. A. Jones, one of the corporation commissioners of the State of Arizona. He said:

> In April of 1908 I was told that there were some negotiations on or something pending whereby there might be a contract entered into between the Reclamation Department and the Pacific Gas & Electric Light Co. As manager of the commercial club I went to the reclamation offices and made a direct inquiry as to the status of the situation, and got an evasive reply, except that it was stated by Mr. Stannard, who was then in charge of the office, that there were negotiations pending. * * * The directors of the Maricopa County Commercial Club then called for a meeting of the officers and directors of the board of trade. The matter was discussed and a committee of 14 from the commercial club and the board of trade was appointed, and this committee went over to the reclamation office, I think on the 16th or 17th day of April, 1908, and demanded to see the contract or information concerning it. * * * He (Stannard) told this committee of 14, being 7 from the Maricopa County Commercial Club and 7 from the board of trade, that an agreement had been entered into, but that it would be two or three months before the contract was closed and that we would be in no danger of losing out. On the strength of that the committee reconvened at the commercial club and sent a telegram to the Secretary of the Interior. * * * A telegram came back from the Secretary of the Interior that the contract had actually been made a year prior to that time.
>
> Q. Did the committee again go over to Stannard?—A. Yes.
>
> Q. What did he say?—A. He said he was working under instructions from Hill not to divulge the contents of the contract or let the facts be known that a contract existed.

I do not care to offer any comments on Mr. Jones's testimony other than to say he looked to me like he was trying to tell the truth. Mr. Hill and Mr. Stannard heard this testimony and did not offer to refute it.

Mr. Hill again, in the same interview, said that "the charge that the cottage built on the reservation and the pump houses were charged up for several times their cost is untrue." I can not tell what the cottage cost, neither does any member of the committee undertake to say in the report what the cottage cost, but I can say we members of the committee made a personal examination of it, went in it and all around it. It is an ordinary concrete-block building, one story high, with four rooms and a portico. A picture of it is in the report. After we had looked at it we concluded that it ought to have cost about $2,000. It is put down as costing $7,396.73. We looked at the well shed inside and out. It is an ordinary concrete building, 10 or 12 feet square, and when we had examined it we concluded that it ought to cost $500 or $600. It is put down at $3,380.36. I do not pretend to say what it did cost under the beneficent care of Government engineers. I am stating what would have been a reasonable cost had they been built by an ordinary business man.

Mr. Hill said further that Mr. Code resigned in 1911, and the committee was not appointed until 1912. The fact is that it was well understood, in the summer of 1911, that the Committee on Expenditures in the Interior Department was going to make an investigation of that Arizona situation as soon as they could get to it.

In this same dispatch Hill was asked what, in his opinion, had inspired the charges. He said, "The disgruntled farmers of the Salt River project, not being able to secure favoritism and imagining grievances that did not exist, petitioned for an investigation." Mr. Hill said also that "two or three members of the committee are Democrats and it is not unlikely that politics have entered into their motives." Mr. Hill wants to hide himself behind some protector because he can not face the facts; and so he states that partisanship possibly brought about the investigation. If partisanship had anything to do with the investigation, it certainly can have nothing to do with the facts as developed in contracts and shown in cold type. It can certainly have nothing to do with the testimony of the witnesses who appeared before the committee, in the presence of Mr. Hill and Mr. Stannard, and detailed the facts, none of which were denied by these men who knew the details and had been on the ground as agents of the Government from the beginning.

Now, a few references to the Right Hon. F. H. Newell, who evidently imagines that he is so high up that no pole is long enough to reach him. There are many who think when they get high up in office they have a license, and when men question their doings they refer to them as incompetent, disgruntled, partisan, or irresponsible, and try to divert the public's mind from the cold detailed facts. Mr. Newell in a statement, which appeared in the Washington Post of February 10, said:

> As for the charges against the Reclamation Service, any man mentioned will welcome an investigation *by honest and competent men*. It looks like another adroit *attack on conservation*. The report is a jumble of half truths and *whole misstatements*.

Mr. Newell did not refer to the charge that the original estimate of the cost of that project was about one-fourth of what had been expended; he did not refer to the charge that the canals were taken over by the Government and the farmers bilked to the advantage of stockholders in the canals and land speculators; he did not refer to the charge that the Pacific Gas & Electric Co. had been given an exclusive contract to sell electric power to the people who paid for the making of it; he did not refer to the charge that Chandler had dummy entried 18,000 acres of land and had been taken under the protecting wing of the Government that his worthless property might be made valuable; he did not refer to the charge that they had engineered a deal by which the consolidated canal had been purchased for $187,000 and then paralled, showing its worthlessness for the real purpose of irrigation; he did not refer to the charge that even after they had bought the canals they did not own them, but had left the power rights in the hands of the original owners; he did not refer to the charge that the Pima Indian irrigation system had been built on the desert, with $540,000, and had never conveyed a drop of water, and under present conditions could never convey a drop of water; he did not refer to the charges that conditions there had been covered up by false reports, statements, and justifications to appropriation committees; he broadly states that not one charge has been made in this report but can be absolutely refuted; that no bureau has been investigated oftener; that its structures are among the great works of our time; that its efficiency and economy of administration receive the praise of its investigators.

These reclamation people are not much hampered by truth and they deal little with facts, but they are a champion set of advertisers. For instance, World's Work for February, 1913, carries, jammed in among pictures of Col. Goethals, Admiral Dewey, Alfred Noyes, and W. R. Mead, a full-page cut of the Right Hon. Frederick Haynes Newell, who is, according to his statement, "wresting a new agricultural empire from the deserts of the West." And then, among the articles of President Woodrow Wilson, we find from the pen of this astute advertiser, on page 396, an article headed "What I am trying to do," and in this article, on page 397, under the subhead "Tasks accomplished in 10 years," he says, as the result of the Reclamation Service's work, water is available for 1,159,334 acres on 14,200 farms.

Unfortunately for him, this statement is refuted by his own figures in the Eleventh Annual Report of the Reclamation Service, on page 292, where the project is itemized, and under the heading "Area irrigated" I find two items—under water-rights applications, 270,459 acres, and under rental contracts, etc., 294,222 acres.

It can be clearly seen from this statement that the Government has water-rental contracts for only 294,222 acres and applications for only 270,459 acres, aggregating 564,681 acres. One hundred and fifteen thousand five hundred and fourteen acres of this land, nearly one-half of the whole amount for which they have rental contracts, is in the Salt River Valley. He did not reclaim 115,000 acres of land here. There were 135,000 acres irrigated and cultivated in the Salt River Valley before the Roosevelt Dam was built and before Newell had anything to do with these people. There are only 145,000 acres now cultivated in the Salt River Valley, so the work of this Reclamation Service has increased the acreage only 10,000 acres. In justice it should be said that their irrigation is more uniform and regu-

lar now than it was before, because then it depended on the irregular flow of the Verde and Salt Rivers, while now they have the backing of the Roosevelt Reservoir to insure water at all times.

But this gives you an idea of the extravagant claims of this self-promoter. Mr. Newell stated, in the Washington Evening Star of February 11:

They (speaking of the committee) evidently did not have good stenographers down there, not the official stenographers, at any rate, and when they got back here it was necessary to fix up the stenographers' notes, and a good many of the things that were said at the hearing did not get in and a good many things that did get in were never said.

He refers to the committee as incompetent in his interview on the 10th, and to the stenographers as incompetent in his interview on the 11th. Yet in the same statement he says he was not given an opportunity to appear before the committee. The remarkable thing is how this wise man, who states in the same interview that he has never seen the committee's report, and never appeared before the committee, can make the bold, cocksure statement *that the stenographers were incompetent, and many things that were said in the hearing before the committee never got in and many things that got in were never said.* This is additional evidence of his absolute carelessness in dealing with facts and his perfect unconcern for the truth.

There is one other gentleman in this service with whom I wish to deal before I close. It is Samuel Adams, First Assistant Secretary of the Interior. He says, according to the Chicago Record-Herald of February 10:

I want to know the identity of the persons responsible for these unwarranted charges.

Mr. Adams had a long conference with me on Monday about the charges in the report. I had a copy of the report in my hand at the time. I asked him about a number of things stated in the report, and he said with reference to each that he, of course, knew nothing at all about the details of them. I told him the report only charged him with two things. One was a ruling that fixed the limit of residence in the neighborhood at a maximum of 50 miles. That ruling appears in Land Decisions of the Department of the Interior, volume 40, page 664, paragraph 54.

Another was a contract that he had prepared for the water users in Salt River Valley, which fixed the minimum amount of water to be used at 2 acre-feet and makes any additional amount assessable at 40 cents for the first foot, 50 cents for the second, and 60 cents for the third, making almost twice as much as the landowners theretofore understood they would have to pay for the necessary water for their lands. In the case of Hurley *v.* Abbott, decided in the territorial court of Arizona, 5½ acre-feet were adjudged to be the amount of water necessary for the ordinary crops of the valley. Mr. Adams complains that this report does him an injustice, because these rulings had been made before he went into office, and he simply followed the precedent and promulgated it. In my judgment he is as reprehensible for following a bad precedent as he would be for setting one, and it is clear to any legal mind, and I understand he is a lawyer, that that ruling in connection with the former ruling that a corporation may purchase water rights under the reclamation act will permit corporations to absorb the entire land under any project, defeating the prime purpose of the reclamation act, which was to give homes to actual settlers and actual farmers.

I expect the committee that made this investigation and report to be deluged with dirty dish water. That is in keeping with the character of defense started in these newspaper reports. That is the kind of defense always put up by those who have none other. The effort is to becloud the issue, to reflect on the investigators, to belittle the work done, to muddy the water. Then this department has as a part of its equipment a press bureau. Mr. Hill testified before the committee that they had an official photographer, who takes pictures for newspapers and magazines, the expense of which had been to the Salt River project alone up to December 30, 1911, $9,089.30. There are between 25 and 30 different projects within this department. If they spent as much money proportionately in each project advertising themselves, it runs up to an enormous amount when extended over all of the projects.

We said in our report that in our judgment all of these projects ought to be investigated, not because we knew anything at all about the ones we have not investigated, but because of the glaring outrages found in the ones we did investigate. I am concluded that that department should have a complete and thorough investigation made of every project. I wish the Members of the House would look to the report and see the pictures of the houses and buildings, and see what you think a reasonable cost if such buildings would have been and then look what has been charged for them. [Applause.]

Mr. GOOD. I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Chairman, is there any way in which my time can be extended at this time? I had no idea that the gentleman from Texas [Mr. CALLAWAY] was going to discuss the report that he has referred to, and it is impossible to reply to what has been stated in 10 minutes. I should like to say something in relation to it now, and it would take 30 minutes.

The CHAIRMAN. The time for general debate was fixed by the House and placed in the control of the gentleman from Georgia [Mr. BARTLETT] and the gentleman from Iowa [Mr. GOOD]. It is not in order for the Committee of the Whole to change that order.

Mr. BARTLETT. Mr. Chairman, may I interrupt the gentleman?

Mr. MONDELL. Certainly.

Mr. BARTLETT. Mr. Chairman, the gentleman from Iowa [Mr. GOOD] was kind enough to yield five minutes to a gentleman on this side, and he also yielded to me all the time he had except 30 minutes. I therefore take great pleasure in giving my friend from Wyoming five minutes of my time.

Mr. MONDELL. Mr. Chairman, I thank the gentleman.

The CHAIRMAN. The gentleman from Wyoming is recognized for 15 minutes.

Mr. MONDELL. Mr. Chairman, last summer a subcommittee of the Committee on Expenditures in the Interior Department was authorized to visit the Pima Indian Reservation on the Gila River, Ariz., and make some inquiries with regard to the condition of those Indians. The subcommittee consisted of the gentleman from Texas [Mr. CALLAWAY], who has just taken his seat, the gentleman from Missouri [Mr. HENSLEY], and the gentleman from North Dakota [Mr. HANNA]. They had a series of meetings on and in the vicinity of the reservation, and recently made a report. The gentleman from Texas [Mr. CALLAWAY] seems surprised that the Chief of the Reclamation Service has had difficulty in securing a copy of the report. That is not surprising at all. You could not any one of you get a copy of the report if you wanted to. I tried to get one a few moments ago and was unable to. Members of the committee did not see the report until one day last week, when we were called in and asked to pass on it, and we were expected in a very brief period to make a minority report, if we desired to do so. We did not have time to go over the evidence, but from the information in our possession the gentleman from South Dakota [Mr. BURKE] and myself made such a report as could be made in that time. However, before the report had been made to the House, before it had been placed in the basket, before the minority had had an opportunity to draft their views, the substance of the report was given to the newspapers. Extracts from the report were published in both the morning and evening papers of this city, and I have no doubt but that the Director of the Reclamation Service saw those extracts and judged of what was contained in the report by what he saw in the newspapers. As the gentleman from Missouri [Mr. HENSLEY] knows, an evening paper in this city contained a synopsis of the report before it was presented to the House.

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

Mr. MONDELL. Certainly.

Mr. HENSLEY. Will the gentleman be candid enough to explain why the report was not filed here?

Mr. MONDELL. The gentleman was kind enough to grant us one—no; two days in which to draft our views. He stated that we could have two days in which to present our views. One of those days was, I think, Sunday; later he was good enough to give us another day. I was exceedingly busy, as was the gentleman from South Dakota, and we could only present our views briefly.

Mr. HENSLEY. Is it not true that two days before we had the committee meeting Mr. McCairn, the clerk to that committee, furnished the gentleman with a copy of this report?

Mr. MONDELL. He did.

Mr. HENSLEY. And I came here and told the gentleman about it on the following day.

Mr. MONDELL. Yes.

Mr. HENSLEY. And two days later we met there, and we passed this report out.

Mr. MONDELL. The report was laid on my table two days before the committee met. I think that was true. I was very busy here in the House and did not have time to even look at the report.

Mr. HENSLEY. And on Monday the committee's report was to be filed, and the gentleman requested me to hold it up until he had an opportunity to write the minority views.

Mr. MONDELL. Yes; one day.

Mr. HENSLEY. And I did so hold it up.

Mr. MONDELL. Yes; I think that is what I said. If I was not exactly accurate in my statement I beg the gentleman's pardon. The fact remains, however, that the newspapers contained a statement of what was in the report the evening of the day before the report was to have been filed.

Mr. MANN. Mr. Chairman, how is it possible for a newspaper to get a report made to the House before it is put in the basket? I never heard of such a thing before.

Mr. MONDELL. The gentleman will have to answer that question for himself, for I do not know.

Mr. MANN. It is highly improper.

Mr. MONDELL. I know the fact, and I have no idea that Mr. Newell has seen a copy of that report; he certainly did not see the copy I had, for it remained in my desk in my office. I doubt if any Member of the House has seen it, as you can not get a copy of it now, because there are no copies in print, unless there are some in the committee room.

Mr. MARTIN of South Dakota. I suppose the letting out of the report was probably one of the irregularities of the Reclamation Service. [Laughter.]

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

Mr. MONDELL. Yes.

Mr. GRAHAM. Is it not true that the delay the gentleman speaks of is due to the fact that there are photographs to be published in the report, and the Printing Office is holding it up in order to insert those photographs in the report?

Mr. MONDELL. I think that is true; but that does not alter the fact that the newspapers had the contents of the report before it was presented to the House.

Mr. GRAHAM. But it does explain what the gentleman is complaining about.

Mr. MONDELL. I am not complaining; I am stating a fact. Before the report was delivered to the House extracts from it, sensational in character, were printed in the newspapers, and the gentleman from Texas is complaining because Mr. Newell said he had not seen the report.

Now, Mr. Chairman, whether or no the report was improperly given to the papers before it was delivered to the House has nothing to do with what is contained in it. I hold no brief for the Reclamation Service. I have not agreed with the service in all things. I have not approved, personally, all that has been done under the irrigation law. I have had some very sharp differences with the gentlemen in charge of the service. I did not entirely approve of taking up the Salt River project as about the first project taken up. I have not followed in detail all that has been done on the Salt River, but I do know that down there are some of the greatest engineering works ever constructed by man.

There is a great empire containing some of the richest and most productive land on earth now permanently irrigated by works that will stand as long as the earth stands, and that great and rich valley will be permanently productive, due to the splendid works erected there by the Reclamation Service. It is my opinion those works and that project will stand as a monument to the men who planned and executed them long after all the differences of opinion as to the wisdom of every detail of plan or execution are forgotten. I do not know what the gentleman from North Dakota, who was a member of the subcommittee, thinks about what they learned down there. He ceased to be a Member of Congress before the report was prepared. The other gentlemen of the subcommittee do not claim to have been familiar with what had preceded in that region in the matter of Indian irrigation and private irrigation. They do not, I think, claim to have been familiar with the reclamation law in its enactment and in its development. The matters were all new to them. They went down to investigate the condition of the Pimas, and they saw fit to widen the scope of their inquiry and include the entire Salt River irrigation project, and then in their report they referred in very emphatic language to other projects never investigated by them.

Mr. CALLAWAY. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. CALLAWAY. Their reference to the other projects is that there are 28 other projects, and the revelations disclosed by the investigation of this project justifies the House in making an investigation of the other projects.

Mr. MONDELL. Now, Mr. Chairman, this is the state of facts; the briefness of the investigation, the lack of previous information or knowledge on the part of the gentleman who made it naturally lead them into curious errors of judgment and curious inaccuracies of statement. The speech of the gentleman from Texas [Mr. CALLAWAY] bristles with those curious inaccuracies. He fails to understand the nature of the desert-land law, for instance, and says that it requires residence upon the land, which it does not. That is not material, as his entire reference to desert entries long before the reclamation act passed is not material, except to indicate his lack of knowledge and information. He states that the pumping plant—and I never had any great amount of enthusiasm over that pumping plant. I did not entirely approve the appropriation in the Indian appropriation bill at the time it was made for the pumping plant, but I think the gentleman is not accurate when he says that the pumping plant has never been operated, and that there has never been any water through the pumps or in the ditches, because the Indians refused to use the plant because they claimed that the water from the pumps contained some alkali and they were afraid it would injure their land. The gentleman says that we passed the reclamation law largely or partly because it had been suggested we might build a great project down on the Gila for the irrigation of the Pimas' land. As a matter of fact the Gila River project and the San Carlos Dam and the other dam that had been suggested on the Gila were practically abandoned on engineers' reports before the reclamation law passed, because it developed that the Gila carries more silt than perhaps any other river in America, and the engineers declared that the San Carlos Dam would fill completely with silt in from 25 to 40 years. That is the situation down there——

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

The CHAIRMAN. Does the gentleman yield?

Mr. CALLAWAY. Did not you appropriate $10,000 last year, were not you instrumental in helping to appropriate $10,000 for Army engineers to go down and make an investigation of the Gila River?

Mr. MONDELL. I had nothing to do with that one way or another; I did not object to it, because I had no objection to a further investigation there, because there was some difference of opinion.

Mr. BURKE of South Dakota. Will the gentleman yield?

Mr. MONDELL. I will.

Mr. BURKE of South Dakota. I want to call the gentleman's attention to the fact that he has only about four minutes and he can not cover this question in the time he has, but I would like for him to bring to the attention of the House the fact that this report which censures seriously some of the very high officials in the public service did not give those officials any opportunity to be heard and they were not examined by this committee, which sought to make a finding concerning them.

Mr. MONDELL. It is very true. I thank the gentleman for emphasizing that fact.

Mr. CALLAWAY. May I answer that? I just want to state that Mr. L. C. Hill was at the whole hearing, and he knows more about the details of that Salt River project than all the rest of the Reclamation Service together.

Mr. MONDELL. Mr. Hill is a project engineer; he had no authority to make an appearance for the service in regard to every question which the interested parties appearing before the committee might bring up; and, furthermore, he was not invited to do so. This is the situation there: There are a large number of people who desire to be released from the payment of water rights and they poured into the ears of willing listeners all kinds of strange and curious stories which they hoped would in the end relieve them and place upon the Government the cost of irrigating their lands.

Second, there are a large number of people who are occupying lands, or desire to, on the Gila River who are anxious to have the Federal Government construct the San Carlos Dam and irrigate their lands and make them valuable. I sympathize with those who see no immediate prospect of having lands they desire to secure irrigated, but I do not think they hasten the day of the fulfillment of their desires by criticizing the Salt River project. On the contrary, I fear they make that day more distant and uncertain.

Now, the part of the report and the gentleman's statement I most regret is that in regard to the return of payments. There never has been an estimate made, unless it is very recent, of the total cost of the Salt River project as a basis of payments. The Reclamation Service, whatever faults it may have or whatever errors it may have fallen into, has not fallen into the error of fixing a contract price per acre on the Salt River lands. So, whatever the fact may be as to whether or not the price, once fixed, must remain unaltered, the fact is that the price per acre has never been fixed on that particular project. Now, the gentleman quotes in defense of his theory that there has been a price fixed, and that the Government can not charge more than that price, a decision of a court, which, according to the gentleman's own statement, does not relate and has no reference whatever to construction charges, but refers entirely to maintenance charges. Whatever may be the fact as to changes in building charges, there is no question in my mind

as to what the courts will decide as to proper and legitimate maintenance charges. The Federal Government is not exercising its sovereignty under the reclamation law. It is conducting irrigation enterprises until they are turned over to the people; and it can, just as any private enterprise, in building a reclamation project make a charge for maintenance based on the actual and necessary cost of keeping the plant in repair.

The Reclamation Service has been carrying on a great work; many of the problems they have encountered are new. The works they have built are monumental in character, the territory over which they have operated is imperial in extent. I have not always agreed with their views either of the law or its execution, and I have not hesitated to express my disagreement, but I do believe they have made an honest effort to perform a great service in the spirit of the statute providing for it. Their engineering works have been approved by a board appointed by Congress and are vast and enduring. It is easy to criticize, particularly with limited information, but the criticisms of the report and of the gentleman from Texas is, in my opinion, largely unfair, and clearly it is not constructive or likely to assist us in meeting and solving the real problems presented, which are many.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BARTLETT. Mr. Chairman, how much time is there remaining on this side?

The CHAIRMAN. The gentleman from Georgia has 30 minutes remaining. The time of the gentleman from Iowa [Mr. GOOD] has been exhausted.

Mr. BARTLETT. I yield 20 minutes to my colleague, the gentleman from Georgia [Mr. TRIBBLE].

Mr. TRIBBLE. Mr. Chairman, I desire to make a few remarks on the proposed naval appropriation for the present year.

The appropriation submitted by the Naval Committee carries $128,000,000, without a battleship, for expenses of the Navy. In addition to this, two battleships have been reported by the committee, making the total amount of the bill $148,000,000. Mr. Chairman, the complaint I make to this bill is this: In 1911 the appropriation in total carried $126,000,000, which included two battleships. The appropriation this year, two years later, carries an appropriation of $22,000,000 more than the 1911 appropriation.

Now, Mr. Chairman, this is a proposition I can not understand; that is to say, in 1911 two battleships were carried in the $126,000,000, and this committee, pledged to an economical administration, appropriates $128,000,000 before it reaches the battleship program.

If the Navy Department will economize and the Naval Committee will join me and cut out the gross extravagances that are recommended and carried by the Navy Department, then I shall gladly support battleship construction. I am in favor of a good Navy and I am in favor of building such battleships as are needed for our country's defense. One battleship costs about $10,000,000. About one-half this amount is carried on the bill providing for battleships and the accessories to such battleships. The first appropriation does not provide the full amount for construction of the battleships. I claim, sir, that this bill can be so reduced in extravagant expenditures that this Congress can build two battleships without any material increase in the previous bills, especially so in view of the fact that the last session only authorized one battleship.

Mr. Chairman, there is one argument I conceive to be unanswerable, and no man can come on the floor of this House and answer it, and I challenge any man to do it, either from the Committee on Naval Affairs or elsewhere. Here is the proposition: Since 1896 this House has built 31 battleships and 3 armored cruisers. These armored cruisers cost anywhere from five to ten million dollars more than a battleship. Then I can say to this House that this House has built 34 battleships since 1896. That has been in 16 years. That is on an average of more than 2 battleships each year. Since 1896 these appropriations have grown, it is true, but I call the attention of this House to the fact that the appropriations have increased approximately $6,000,000 annually, carrying 2 battleships, as stated. The annual increase on an average being $6,000,000, then explain to me why the Naval Committee should call on this House for an increase of $25,000,000 in order to construct 2 battleships? It is true that 2 battleships have been carried with $6,000,000 increase since 1896, then why not in 1913? Why, Mr. Chairman, we propose to appropriate more money without battleships for the expenses of the Navy than the Republican side of the House appropriated in 1911 for expenses and 2 battleships. I call for the Naval Committee or its friends to come on the floor of this House and defend the extravagance of this Navy. If you are here, rise and speak. It is no child's play to spend $25,000,000. That is $9,000,000 more than was appropriated this session for agriculture in all the various departments. Sixteen million dollars was appropriated for agricultural departments in the year 1912.

Why, Mr. Chairman, it would startle you or me or anyone else to quote my friend Capt. HOBSON as an economist when it comes to the Navy. He is in favor of six battleships or more annually. He sits before me to-day, and he will corroborate what I say when I make the statement that the expenses of the Navy are more than one-third what they ought to be. If it is not true, he is an expert and should know. He has been in the Navy, and he is on the Naval Committee. I pause that the captain may speak if he desires.

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

The CHAIRMAN. Does the gentleman yield?

Mr. TRIBBLE. Yes; I yield.

Mr. HOBSON. Mr. Chairman, I desire not to be misunderstood in this matter. My statement is that if we had the machinery, the power, to reorganize the Navy from the bottom, to reorganize the whole personnel, and not grind out rear admirals like you would wheat or corn in the mill——

Mr. TRIBBLE. I will ask the gentleman not to take up too much of my time, as I am limited.

Mr. HOBSON. And if we had a chance to reorganize the navy yards and readjust the naval stations in the whole Navy, I do not hesitate to say that, in my judgment, we could save one-third of the general expense and, per thousand tons of the ships, one-third of what they are costing us now. But that is contingent upon our being able to reorganize.

Mr. O'SHAUNESSY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. TRIBBLE. I decline to yield for the present.

The CHAIRMAN. The gentleman from Georgia declines to yield.

Mr. TRIBBLE. I am a member of the Committee on Naval Affairs, and I challenge any Member of the House to stand up and refute the statements I am making.

Now, Mr. Chairman, what is the matter with this bill? I can not take up and consider all the items in this bill, but I will take up the first item, which carries an increase in the appropriation over that of last year of more than $2,000,000. Over $1,000,000 of this is increase of officers and increase of pay of retired officers. Why, sir, included in that item are retired officers on the pay roll of the Government. The pay of retired officers is $3,319,000. These retired officers do nothing for the Government and are out of the Navy drawing salaries all their life of $5,000 each, more or less.

Mr. HOBSON. Mr. Chairman, if the gentleman will permit me to interrupt him, I will say that the retired list——

The CHAIRMAN. Does the gentleman yield?

Mr. TRIBBLE. Yes; I will yield for a question.

Mr. HOBSON. I am very glad to tell my friend that the retired list of rear admirals alone costs a million dollars a year. There are 150 rear admirals on the retired list, and about 18 on the active list.

Mr. TRIBBLE. Mr. Chairman, that is one of the things I am complaining about.

Mr. HOBSON. It is the law.

Mr. TRIBBLE. Yes; but have I not stood there in the Naval Committee for two years and begged the gentleman from Alabama and others on the Naval Committee to revise these laws, and the gentleman from Alabama would not do it?

Mr. HOBSON. Have I not asked my friend to help me in passing the national counsel of defense bill, so that we could pass a new law and straighten out all those things?

Mr. TRIBBLE. Yes; but, Mr. Chairman, if you will look at the retired list you will find 148 retired admirals, and then look at the number of admirals on the active list you will find there are only 24. Now is not that a nice situation? Nearly all the admirals on the retired list; they receive about $8,500 per annum.

Mr. HOBSON. And six of those are extra numbers.

Mr. TRIBBLE. Yes. I am here, Mr. Chairman, to say that I stood on this floor last year when this bill was up for consideration, when the gentleman from Alabama [Mr. HOBSON] was here too, and I appealed to him and to every man on the floor of this House, and I appealed to this House to stand by me and abolish that "plucking board," which puts these officers on the retired list when they should be left on the active list; and the gentleman from Alabama would not do it, and the Committee on Naval Affairs would not do it, and there was only one man who was outspoken at the time to repeal the "plucking board," and that was the gentleman from Illinois [Mr. MANN], the minority leader on the Republican side. I know

there were many others, but they wanted action by the Naval Committee.

Is the Naval Committee, created by the Democratic party, in favor of economy? On that retired list, which is created by what is called "the plucking board," I had last year the names of all those men, and one of them was retired under the age of 30. I want to read what the Secretary of the Navy says. I have his letter before me. I wrote him and challenged him to point out any objection or any defect in any of these men, whereby they should be retired, and he gave me the names of the men retired and stated as follows:

None of these officers selected for retirement on June 30 last were unfit to perform their duties.

I quote the exact language from his letter.

The chairman of the Naval Committee was here when I made that fight before, and the chairman stood up and said, "No; we can not abolish the plucking board, because we have to retire low-grade officers and make places for others." When I challenged his statement on the question of incompetency, he said, "We have to make places for others and encourage the officers by promotion." No one denies that men are retired to create vacancies so that officers may be promoted to larger salaries. Retired officers go into retired life on large salaries and secure the very best positions in navy yards, with construction, engineering work, and so forth, because they are well qualified, having been educated by the United States Government, and get large salaries. I protest in the name of my constituents against paying salaries out of their pockets to men educated out of their money, doing them no service, and making large salaries for themselves.

Mr. CLINE. If the gentleman will allow me to interrupt him, how many men have we on the retired list now drawing pay under the three-fourths ratio?

Mr. TRIBBLE. I am glad to answer that question. We had on the retired list last year 920 men, and to that number have been added, I think, 179. There are over 1,000 men on the retired list. One hundred and seventy-seven of these were plucked, and every one of them is capable of service.

Mr. HOBSON. Will the gentleman allow me to interrupt him?

Mr. TRIBBLE. I prefer not to be interrupted now. Take the case of the man Walker, retired at 30 years of age. He went to the Naval Academy and stayed there at the expense of the Government for six years, and the Government educated him at an expense of $18,000. He then remained seven years longer in the service and drew a salary during that time. Now he has gone into public service in competition with other people, and I want to tell you the Government is now paying that man over $3,000 per annum for the remainder of his life.

From now until the end of his life, according to the insurance tables of expectation of life, he will draw out of the Government of the United States about $225,000, for which he will not do a day's work. The Secretary of the Navy says that man is a competent man.

Mr. SISSON and Mr. HOBSON rose.

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. TRIBBLE. Yes; I yield to the gentleman from Mississippi.

Mr. SISSON. The gentleman from Georgia states that the incompetent officers are the ones who are plucked.

Mr. TRIBBLE. No; I did not state that. I say the department pretend that they are plucking incompetent officers, but I did not make that statement. I say they are competent.

Mr. SISSON. If the incompetent ones are the ones who are being plucked, then they are adopting a system of pensioning men for incompetency, are they?

Mr. HOBSON. It is worse than that.

Mr. TRIBBLE. I say it is a terrible arraignment of the Navy of this country and the officers of the Navy if 177 men have been retired for incompetency or something else; and still there are deadheads in the Navy yet who should be plucked for retirement, and you continue to retire them year after year. It is a terrible arraignment on the whole system as well as the men. What is the matter with them? The Secretary of the Navy says there is nothing the matter. Ah, yes; they want to promote officers to better pay.

Mr. HOBSON. The gentleman's arraignment is not as strong as he can make it, if he will allow me. I simply want him to lay all the facts before the Members, and to state that those who are plucked are promoted a whole grade in being plucked.

Mr. BEALL of Texas. Why are they promoted?

Mr. HOBSON. In order to retire them in the next higher grade.

Mr. TRIBBLE. Yes; I thank the gentleman; when they are retired they are promoted to another grade in order that their life salary may be increased—rewarded by promotion for so-called incompetency.

Mr. SISSON. Can the gentleman tell the committee why the Committee on Naval Affairs has not changed that law and prevented them being retired?

Mr. TRIBBLE. Yes; I can tell you that. I say to you that there has been a bill before that Naval Committee all this year, a bill which I introduced, to abolish the plucking board. That bill has not been acted upon. I can not get a favorable report. The Naval Committee can deny this statement by reporting the bill to this House.

Mr. SISSON. Will the gentleman yield once more?

Mr. TRIBBLE. Yes.

Mr. SISSON. The Naval Committee, then, are solidly in favor of retaining the plucking board, are they?

Mr. TRIBBLE. I say there is no action being taken. If there is anybody here who will join me, let him stand up and say if he is with me in the fight. I undertook to cut out pay of this class of officers last term on the floor of the House, and then stated that the committee would not report with favor a bill to repeal the plucking board.

Mr. HENSLEY. I think the gentleman is entirely unwarranted in making a statement of that kind. If you have ever made that proposition, I have never heard you discuss it. I will join you.

Mr. TRIBBLE. I discussed it on the floor of the House last year. I suppose the gentleman was not present. I called for action on my bill last week in full committee. No action was taken.

Mr. HENSLEY. I have supported you on several propositions before the House.

Mr. TRIBBLE. Yes; that is true. We have fought together for economy. I think the gentleman from Missouri [Mr. HENSLEY] is nearly always right. There are few, if any, better men in this House than he, and he has the bravery and courage to speak his convictions and fight for what he thinks will benefit the people. I did not intend to discuss the retired list, but was drawn into it. One of the men named here on this list, retired last year, if you will notice, is Admiral Rust. Now, I want to read what is said of this man. I will put this in the RECORD and let the naval officials deny the charges I am making.

For the 25 years that Admiral Rust was commissioned in the Navy—from July 1, 1887, to July 1, 1912—he never received an unfavorable report from any commanding officer. Now, these gentlemen can find spokesmen among the Members of this House. Let them come here and speak through the mouths of members of the committee or Members on the floor of the House who will speak for them. I should like to read a little further what is said here. This man was a commander. At the time he was commander there were 116 commanders; 33 had never seen service at sea; 66 had been at sea six months, and the average length of service of those going to sea was seven months. This commander headed the list in length of service in his grade two years and eight months.

He never at any time received an unfavorable mark, but his entire record from one end to the other was "excellent."

Gentlemen, the trouble with this bill is this: It is gross extravagance—inexcusable extravagance. There are men on the Republican side who will not stand for this bill carrying $148,000,000. Their constituents will not approve a vote for this extravagance on the ground that Democrats alone are responsible for it. Sirs, your constituents will not applaud your act in voting for a $25,000,000 increase just because it is a Democratic bill. This is not a party measure, and I hope to see you vote for reduction. You can not defend a vote for extravagance because it is a Democratic bill. Your friends back home will say, "Why did you not stand up and expose it on the floor of the House, if the Democrats were extravagant, and not come here and talk to us about what was done by the Democrats while you stood by with folded hands"?

Mr. DIES. Will the gentleman yield?

Mr. TRIBBLE. Yes.

Mr. DIES. Has the gentleman forgotten here the direful prophecy of the gentleman from Alabama [Mr. HOBSON], who prognosticated that this country would be in war with Japan before the present time?

Mr. TRIBBLE. Yes; I heard the prophecy. He scents danger afar off. As I said the other day, I like my friend HOBSON; there is good in him. [Laughter.] Now, Mr. Chairman, my friend HOBSON says he joins with me on the proposition that the whole thing ought to be reorganized. I hold in my hand a pamphlet, on the back of which is marked "Naval Register." It shows where these officers are.

But before I forget it I want to say that I have in my hand another letter from the Secretary of the Navy, in which he

says that there are 1,157 officers here on shore duty. And yet the Navy is calling for more officers for the ships. The chairman of the committee stated that the Navy was calling for and claimed to need 3,000 more officers, and yet 1,157 of these men are on shore.

Where are they? Let me show you were they are. Down here at the Naval Academy is a good place for a man to retire from active naval service and have a good time. The social side of naval life has been discussed by my colleague [Mr. RODDENBERY] thoroughly, and I will not refer to the social side of land service and the land fighting Navy. At the Naval Academy, right here at your door, are stationed 160 naval officers. There are also in addition to these naval officers 28 civilian teachers, making a total of 188 of these gentlemen right down here on shore duty, supposed to be engaged in teaching the students. There are 720 students there. I would like for some one to defend the policy of placing all these officers and civilian teachers at Annapolis. There are five places—the navy yard at Norfolk, Philadelphia, Boston, New York, and Annapolis—where there are 656 officers located.

You go to the heads of departments, and the clerks are handicapped frequently with their work, because there are so many naval officers walking around in the way. What do the naval officers do? They have an assignment. Why, Mr. Chairman, I have nothing against the naval officers. The most of them are loyal, courageous, and patriotic. I am not attacking the naval officers. I am attacking a system that gives them a life of ease and luxury when, as a matter of truth, they would be better men and better satisfied engaged in profitable service at all times for the Government that pays their salary. I want them to fill the vacancies at sea and elsewhere, so that this Congress will not be called on for 3,000 more officers to fill the complement on vessels.

I hold in my hand a letter of Secretary Meyer, in which he says—now listen:

> It will take 1,714 officers to put in commission the ships we now have and the ships that are being constructed.

And yet there are over a thousand of these officers on shore duty on assignments from place to place throughout the country.

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

Mr. TRIBBLE. Yes.

Mr. BEALL of Texas. Does the gentleman remember the little couplet from Pinafore that goes this way:

> Just stick to your desk and never go to sea,
> If you want to be an admiral in the King's navee.

[Laughter.]

Mr. TRIBBLE. Mr. Chairman, how much more time have I?

The CHAIRMAN. The time of the gentleman from Georgia has expired. [Applause.]

Mr. TRIBBLE. I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BARTLETT. Mr. Chairman, to digress a little from the subject of this bill, even though it does carry one hundred and eighty millions of dollars, I desire to call attention to, and place in the RECORD, something that may be of interest to the House and the country. I was a member of the committee that investigated the Steel Trust, and there came before that committee the chief officer of that corporation, then its president and now the chairman of its finance committee, and also the gentleman who is now its president and was at that time the president of its export company, a branch of the Steel Corporation. I made it my particular duty with each witness and officer of that company, and especially with Judge Gary and Mr. Farrell, to ask a set question, and that was whether there existed an agreement between the Steel Corporation and the manufacturers of this country and the foreign manufacturers of like products an agreement, international in its scope, which fixed the price of steel products, and which kept the foreign manufacturer from our own territory and divided the foreign territory with the foreigners and kept our independent manufacturers from foreign territory, it appearing in that investigation that steel rails and steel products were sold more cheaply to the foreigner than to the home consumer. Every time that question was asked of Judge Gary and Mr. Farrell, who testified under oath before that investigating committee, and of every officer of the corporation, they denied that any such agreement existed between the Steel Corporation and the foreign manufacturers, and they denied that there was at any time an agreement international in its scope that in any way affected the prices fixed or the territory in which both foreign corporations and the Steel Trust were to sell their products.

I have in my office the testimony of an ex-president of the Steel Corporation, Mr. Corey, given in the case now pending in the State of New Jersey against the Steel Corporation, in which Mr. Corey states that there was such an agreement and that Judge Gary and the officers of that corporation knew of its existence. So that we have the testimony before a congressional investigating committee of two officers of this Steel Corporation denying the existence of such a contract and the testimony of one who was the president and whom Judge Gary succeeded, saying on oath in court that there was such an agreement and that Judge Gary and the other officers knew it. I have examined Mr. Corey's testimony. It is too bulky to present to the House, but I have in my hand a statement contained in the New York World, that has placed these two statements in parallel columns, and I propose to place it in the RECORD in order that the country may see how convenient was the memory of these gentlemen when they appeared before the investigating committee or how inconvenient was the memory of Mr. Corey when he testified under oath in court the other day.

Mr. COOPER. Will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. COOPER. Were these two gentleman testifying as to the same period of time?

Mr. BARTLETT. They were, because I made it my business to find out. I was interested in undertaking to find out if this corporation, which was selling its product more cheaply abroad than to our own people, especially steel rails, had an agreement international in its scope between it and the foreign manufacturer, and I pressed it home to every witness, and especially to Judge Gary and to Mr. Farrell. They both denied that any such agreement at any time existed, and the testimony of Mr. Corey not only gives the agreement and states when it existed and when it ceased to exist, but that Judge Gary was informed of it and stated the time when he concluded that it could no longer be carried out.

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting these parallel columns.

The CHAIRMAN. The gentleman from Georgia asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The matter referred to is as follows:

GARY AND COREY DISAGREE.

On the witness stand Judge E. H. Gary, chairman of the executive committee of the Steel Trust, and William E. Corey, former president of the Steel Trust, have given radically different testimony as to price-fixing pools.

GARY.	COREY.
During the Stanley committee hearings Judge Gary said that he ordered the Steel Trust's subsidiaries to abolish price-fixing pools. "I do not know of any international agreement," he said. "I would not countenance an agreement that would divide up territory." Again he said: "We have occasionally read public criticism of our movements on the ground that there was a combination or an agreement in restraint of trade to maintain prices, to restrict output, or to divide territory. We have never intended to antagonize the laws of the country." June 2, 1911, he said that one of the principal things at the meetings of the American Institute of Iron and Steel Manufacturers was to discuss the welfare of their employees. "It is the intention," he added, "to organize an international institute unless something comes up to make it appear that we ought not to do it from a legal as well as a moral standpoint."	As a witness in the Government's suit to dissolve the Steel Trust, within a few days, former President Corey, of the Steel Trust, said in answer to counsel's questions: "Did you mean when you said that Judge Gary knew of these pools that he knew about them before they were abolished in 1904?" "He knew about all the pools all the time, because he attended some of the meetings." "Which meetings?" "The rail pool and the plate and structural pool meetings." On the day before Corey said: "An understanding existed between the United States Steel Corporation and manufacturers abroad not to attempt to sell in each other's territory."

Mr. AUSTIN. Mr. Chairman, I will ask the gentleman from Georgia if Mr. Farrell's statement was not that during his administration of the office of the Steel Corporation there was no such agreement in existence.

Mr. BARTLETT. He was not only the officer of the corporation, but he was the man who was in charge of the exporting of the products of the company, and he was produced before that committee as being the man of all others who had grown up from a lad in its service and who was more familiar with the details of its business than any other.

Mr. AUSTIN. But I think the gentleman misunderstands my question because he has evidently not attempted to answer it.

The CHAIRMAN. The time of the gentleman has expired; all time has expired.

Mr. BARTLETT. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. GARRETT, 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. 28730, the pension appropriation bill, and had directed him to report that it had come to no resolution thereon.

RECESS.

The SPEAKER. The House automatically goes into recess until 8 o'clock this evening and the gentleman from Missouri [Mr. LLOYD] will occupy the chair.

Accordingly (at 5 o'clock p. m.) the House, under its previous order, stood in recess until 8 o'clock p. m.

EVENING SESSION.

The recess having expired, the House was called to order at 8 o'clock p. m. by the Speaker pro tempore [Mr. LLOYD].

The SPEAKER pro tempore. The Clerk will read the special order.

The Clerk read as follows:

On motion of Mr. POU, by unanimous consent.

Ordered, That on Friday next, February 14, 1913, the House shall stand in recess from the hour of 5 o'clock p. m. until the hour of 8 o'clock p. m., at which time it shall be in order to consider, by unanimous consent only, in the House as in the Committee of the Whole, bills on the Private Calendar which were not considered or objected to on Monday, February 10, 1913, after which it shall be in order to consider the remainder of said calendar.

YNCHAUSTI & CO.

The first business on the Calendar for Unanimous Consent was H. Res. 643, referring the bill (H. R. 20377) for the relief of Ynchausti & Co. to the Court of Claims.

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

Mr. GOLDFOGLE. Reserving the right to object, I would like some explanation of this bill.

Mr. POU. What is it the gentleman from New York [Mr. GOLDFOGLE] would like to know?

Mr. GOLDFOGLE. I would like to know something about the pending bill.

Mr. POU. The gentleman from Delaware [Mr. HEALD], who reported it, can answer the question of the gentleman from New York.

Mr. GOLDFOGLE. A parliamentary inquiry, Mr. Speaker. Before any explanation is made, may not the resolution be read?

The SPEAKER pro tempore. Without objection, the resolution will be read.

The Clerk read as follows:

House resolution 643.

Resolved, That the bill (H. R. 20377) for the relief of Ynchausti & Co., together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of the facts and the amount due, if any, and that the same be reported to Congress.

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

Mr. COOPER. Mr. Speaker, reserving the right to object, I take this opportunity to say that the procedure on this Private Calendar works a very great injustice to many of the Members of the House who have had meritorious claims favorably reported. Last Monday night, when claims on this calendar were taken up, objection after objection was made to bill after bill without even so much as the slightest reason being assigned for the objection, and, excepting in one or two instances, without even the slightest inquiry being made as to the merits of the claims. Then suddenly, after two pages or more of the calendar had been reported, and all claims rejected, the chairman of the Committee on Claims arose, remarked that there were many just claims on the calendar, and expressed the hope that there would be no objection made to considering them. That had not occurred to the chairman until 30 or 40 just as meritorious claims as any that remained to be considered had been denied a hearing and killed. Then he remembered that there were worthy claims on the calendar, and thereupon a filibuster was begun, and after two or three roll calls the House adjourned.

I shall not seek to retaliate because a claim in which I was interested met with objection—a claim which has once heretofore passed the House and failed in the Senate for want of time for its consideration.

Mr. POU. Will the gentleman permit me just a word?

Mr. COOPER. I wish to finish what I have to say, and then I will yield.

I shall not attempt to prevent the proper consideration tonight of the remaining bills on the Private Calendar, because on last Monday night consideration was unjustly refused a meritorious bill, a bill the claimant in which was an unfortunate old man, upward of 80 years of age, whom experience had taught to know too well all that Robert Burns meant in the sad line, "Age and Want, oh, ill-matched pair." I wish only to suggest that if any Members of the House had conspired to have certain claims acted upon that had a late position on the calendar, and which they feared would not be reached, the procedure which has been adopted is exactly the one that these gentleman would have agreed upon in advance—that is, to kill 30 or 40 claims and thus get within striking distance of the claims in which they were interested, then have a resolution adopted providing that the call shall begin where it ended at the previous session and proceed, in the hope that hereafter there would be no objection. But I do not say that anything of this kind was intended, for I would not make an imputation of improper motives.

Mr. POU. I hope the gentleman will permit me to say in his own time, in reply to a suggestion that he made——

Mr. MOORE of Pennsylvania. Will the gentleman reply to a question by me?

Mr. POU. I will, if I can.

Mr. MOORE of Pennsylvania. I want to know if it was not the understanding under the rule that was passed—the rule that brings us here to-night—that we might revert by unanimous consent for a fair consideration of the bills that were objected to the other night?

Mr. POU. I will say to the gentleman that the order is self-explanatory. The calendar will be taken up at the point where we left off on Monday night. We will take it up in the regular order, and if there is any time left we can then go back to the preceding bills.

Mr. MOORE of Pennsylvania. If there is a chance, we can revert to those that have been objected to?

Mr. POU. I understand so.

Mr. MOORE of Pennsylvania. I wanted to understand that.

Mr. COOPER. That is what I wanted to know.

Mr. HOWARD. I would like to say to the gentleman from Pennsylvania that the gentleman from Georgia is in the same fix as he is in and as a good many other folks are in.

The SPEAKER pro tempore. Is there objection?

Mr. MOORE of Pennsylvania. Reserving the right to object, Mr. Speaker, the only difficulty here seems to be that the other night, when the House was in the tantrums, a number of bills were objected to without opportunity being given for consideration at all, and we are now about to proceed by unanimous consent to the consideration of those bills that stand preferred above those that were objected to the other night. I have no objection to going on with this proceeding, if it is the intention to call up those bills that were formerly passed over and have them considered. I shall not object.

Mr. POU. In behalf of the committee I will say to the gentleman from Wisconsin [Mr. COOPER] that every bill that has been reported from the committee is, of course, a meritorious bill in the judgment of that committee. I did not intend to draw any distinction at all between bills. I have been hoping that every gentleman would have opportunity to have his bill considered. Because, in the course of some remarks I made at a former session of the House, I alluded to certain bills as meritorious I did not, of course, mean to imply that other bills were without merit.

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

The SPEAKER pro tempore. Does the gentleman yield?

Mr. POU. Yes.

Mr. MOORE of Pennsylvania. Would there be any objection to a motion for unanimous consent to return to the head of the calendar and begin the consideration of the bills from that point?

Mr. POU. That could not be done, I think, under the terms of the order.

Mr. MOORE of Pennsylvania. But it could be done by unanimous consent.

Mr. MADDEN. That could not be done.

Mr. POU. I do not think the House would have authority to change the special order now.

Mr. MOORE of Pennsylvania. There were 36 bills objected to. If the gentleman would agree to a motion for unanimous consent to return to the bills on the calendar, we might reach all of them.

Mr. POU. My opinion is that if you begin at the beginning of the calendar it will result in just such another proceeding as we had the other night. On the other hand, I think if we proceed in order it will be possible for some Members at least to get their bills through.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I am in that position that possibly all the gentlemen on the floor do not occupy. I have no bill on the Private Calendar in

which I am in any degree interested personally. I have read every bill and the reports upon every bill upon the Private Calendar carefully, calmly, quietly, and have made notes on those reports, and in many cases secured other information. It is immaterial to me whether any of the bills pass. The proceeding last Monday night did not offend me in the slightest degree—when gentlemen objected simply because their bills had been objected to; and if they choose to do that to-night, I shall not quarrel with them about it. I thought then, owing to the length of the calendar, in those cases where I had made up my mind to object that it was to the interest of the House to object promptly, so that the time of the House would not be occupied in considering bills which in the end would not pass.

If, however, the Members of the House prefer to have bills considered, reserving the right to object and spending 10 or 15 minutes or more upon a bill which in the end would be objected to by myself or somebody else, I shall not quarrel with that. If the gentleman from Wisconsin [Mr. COOPER] or the gentleman from Pennsylvania [Mr. MOORE] prefers that course, I am perfectly willing to reserve the right to object until gentlemen exhaust themselves on the subject of a particular bill and then make the objection.

Now, it should be remembered that this is not an ordinary call of the Private Calendar. Last Monday night's was not an ordinary call of the Private Calendar. When Members allowed an order to go through by unanimous consent to fix a calendar in this way, it was done as a matter of course. Gentlemen have the right to object to that procedure, undoubtedly, at any time by making a point of no quorum, and that will end the proceedings.

The SPEAKER pro tempore. Is there objection?

Mr. GOLDFOGLE. Mr. Speaker, reserving the right to object, I want to say that no explanation has been given why this resolution should be adopted. There has been so much talk about meritorious claims that I should like to know a little about the resolution before I vote on it.

Mr. POU. I will say to the gentleman that this company had a cargo of goods which it claims was destroyed by reason of the negligence of one of the Government boats, which ran into the company's boat. They lost their cargo as a result of this collision, and all they are asking now is that the Court of Claims fix the responsibility, and also fix the amount of the damages if the Government is liable for the claim.

Mr. GOLDFOGLE. Does this resolution send the case to the Court of Claims for findings, or does it make an appropriation?

Mr. POU. Merely for findings. The Court of Claims could not make any appropriation, of course. It is merely for a finding of facts.

Mr. GOLDFOGLE. Does the claim belong to that class of cases that can be sent to the Court of Claims by the action of the Committee on Claims without the action of the House? The gentleman, I suppose, is aware of the statute——

Mr. POU. Action by the House is necessary. The findings of the Court of Claims will be merely in the nature of a recommendation. The House can pay the claim or not, as it may see fit hereafter. The Court of Claims will ascertain how the accident occurred and whether or not those in charge of the Government boat were guilty of negligence.

Mr. GOLDFOGLE. Could not the committee have ascertained the facts?

Mr. POU. It is one of those cases of damage which usually are referred to the Court of Claims, according to my information, and the committee followed what it was informed was the usual procedure in such cases.

Mr. GOLDFOGLE. I think the gentleman is mistaken about the usual course of procedure. In many of these cases in the past the committee have acted directly, to determine whether there was merit in a claim, without sending the matter to the Court of Claims and having it footballed back again, to and fro.

Mr. POU. The committee did not care to undertake to fix the damages in a case of this kind, and it was thought proper to ask the assistance of the Court of Claims. That is the only information I can give the gentleman.

Mr. GOLDFOGLE. Not having the resolution before me, I am unable at this moment to say whether the resolution sends the matter to the Court of Claims for a finding on all the facts or only to assess the damages.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

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

Mr. GOLDFOGLE. I would prefer not to yield until I obtain the information which I am seeking.

Mr. MANN. If the gentleman from New York will yield, the form of the resolution is faulty, and should be cured. It should read:

Referred to the Court of Claims for findings and conclusions.

That is what the law provides. This was a case of a collision between a Government quartermaster's boat and a launch owned by the gentlemen named in the resolution. The committee did not feel that it could get at the facts as well directly as it could by reference of the matter to the Court of Claims to ascertain findings and report to Congress.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 643.

Resolved, That the bill (H. R. 20377) for the relief of Ynchausti & Co., together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of the facts and the amount due, if any, and that the same be reported to Congress.

Mr. MANN. Mr. Speaker, I move to amend by striking out the words—

a finding of the facts and the amount due, if any, and that the same be reported to Congress—

And insert—

findings and conclusions.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, lines 4 and 5, strike out the words "a finding of the facts and the amount due, if any, and that the same be reported to Congress" and insert in lieu thereof the words "findings and conclusions."

Mr. MANN. Mr. Speaker, that conforms to the law, because the Court of Claims under this resolution is not authorized to find the amount due.

The amendment was agreed to.

The resolution as amended was agreed to.

HEIRS OF SAMUEL H. DONALDSON.

The next business on the Private Calendar was the bill (H. R. 18894) for the relief of the heirs of the late Samuel H. Donaldson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of the late Samuel H. Donaldson, who died from injuries received in the performance of his duties under the appraiser of merchandise at the port of New York, the sum of $5,000.

With the following committee amendment:

Line 8, strike out the words "five thousand" and insert in lieu thereof the words "one thousand five hundred."

The SPEAKER pro tempore. Is there objection?

Mr. SABATH. Mr. Speaker, reserving the right to object, I would like to know what this bill is and what the claim is for, how the injury was sustained, and how the death was caused.

Mr. POU. The report shows that the deceased was a laborer employed in the United States public stores in New York City. On July 6, 1911, while engaged in his usual work, he attempted to pull a cask of merchandise onto a truck, when a hoop of the cask came off and he was thrown backward into the runway for truck, sustaining injuries from which he died in less than a week. It clearly appears that the injury was in nowise due to negligence on the part of the deceased.

Mr. COX. Will the gentleman yield?

Mr. POU. Certainly.

Mr. COX. It is proposed to pay the heirs $1,500. The report says that he is dead and that his wife is dead. I would like to know whether he left any children.

Mr. MANN. He left four children, as the report shows.

Mr. GOLDFOGLE. If the gentleman will yield to me, what evidence did the committee have before it on which they made the findings that justify the award of damages, and what evidence did the committee have before it to justify the amount?

Mr. GREEN of Iowa. If the gentleman from North Carolina will allow me, I will answer the gentleman from New York.

Mr. POU. I will yield to the gentleman from Iowa.

Mr. GREEN of Iowa. Mr. Speaker, in answer to the gentleman from New York, I will state that the facts are set forth fully in the report. The report shows the full account of the injury which he sustained. How it came about was given in the report of the police department at New York, and also was reported by the director of the girls' department of the Young Woman's Christian Association. It was also confirmed by a report received from the department. It established that the accident had happened, as was stated by the gentleman from North Carolina, by reason of a hoop on a cask which he was handling coming off and caused him to be thrown backward into a runway for trucks. The amount awarded is not $5,000, but by a committee amendment is reduced to $1,500.

Mr. GOLDFOGLE. As far as the report of the police department is concerned and the other report, the gentleman would not regard them as evidence in the case. As far as the report from the department is concerned, I would like to have that

read, so that we may know what the facts are as reported by the department.

Mr. GREEN of Iowa. The department reports are not here in full, and as regards the report of the police department, I should consider that some evidence.

Mr. GOLDFOGLE. That would establish nothing.

Mr. GREEN of Iowa. The gentleman is not very easily convinced.

Mr. GOLDFOGLE. Because a police officer makes a report and may fill it up with conclusions, and perhaps have no knowledge of the facts. It might be full of inferences, and I am sure the gentleman would not accept it; at any rate, he would not if he was a judge on the bench.

Mr. GREEN of Iowa. The gentleman knows perfectly well that the committee is not authorized to subpœna witnesses before it.

Mr. GOLDFOGLE. No; they are authorized to find out the facts. Mr. Speaker, I object.

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

The SPEAKER pro tempore. The gentleman from Kentucky moves that the House do now adjourn.

The question was taken, and the Speaker pro tempore announced that the "noes" had it.

So the House refused to adjourn.

Mr. LEVY. I hope, Mr. Speaker, that the gentleman from New York, my colleague, will withdraw his objection. This is a very harrowing and pitiful case.

Mr. GOLDFOGLE. Mr. Speaker, I can not withstand the piteous appeals that come all around me, and I withdraw the objection.

Mr. HAMLIN. Mr. Speaker, I renew the objection.

The SPEAKER pro tempore. The gentleman from Missouri objects.

LENA SCHMIEDER.

The next business on the Private Calendar was the bill (H. R. 23123) for the relief of Lena Schmieder.

The Clerk read the bill.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. I object.

JOHN A. GAULEY.

The next business on the Private Calendar was the bill (H. R. 17140) for the relief of John A. Gauley.

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

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois objects, and the Clerk will report the next bill.

Mr. RUCKER of Colorado. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RUCKER of Colorado. Mr. Speaker, in view of last Wednesday's performance in this House, and then of the performance at the night session when we tried to hold a session for consideration of bills of this sort, I desire to ask whether it is now in order for me to move the House for an adjournment sine die of this Congress? [Laughter.]

The SPEAKER pro tempore. That is hardly a parliamentary inquiry.

FELIX MORGAN.

The next business on the Private Calendar was the bill (H. R. 21849) for the relief of Felix Morgan.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Felix Morgan, of Wirt County, W. Va., out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $10,000, to compensate him for injuries received while in the employ of the Government on the Little Kanawha River, in Wirt County, W. Va.

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

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I desire to say at this stage of the proceedings that we have just passed by two bills, one of which came to the House without the indorsement of the Treasury Department, and the other of which came with the indorsement of the War Department. It simply illustrates the inconsistency under which we are proceeding and the futility of attempting to have fair consideration of these bills.

Mr. MANN. Which bill came with the indorsement of the War Department?

Mr. MOORE of Pennsylvania. I will get to that in a moment. In the case of Samuel Donaldson, which bill was objected to by the gentleman from New York [Mr. GOLDFOGLE], there positively was no direct evidence from the Treasury Department that the man was employed by the Government or that the department itself approved of the passage of the bill. Therefore the objection would seem to have been well founded, because this Congress ought to have at least some word of information or approval from the department concerned as to whether the claim is authentic.

In the case of Lena Schmieder, just passed over, the report upon which I did not have the opportunity to read before objection was made, it does appear that an employee of the Government who was engaged in river and harbor work was killed under a falling embankment, and that the facts are certified to by the Chief of Engineers of the War Department; that the Secretary of War forwarded a statement certifying to the accuracy of the facts, showing that the man was killed under a falling embankment while in the performance of his duty. Yet the gentleman from Illinois [Mr. MANN] objects to that bill, just as the gentleman from New York [Mr. GOLDFOGLE] objected to a bill where we had no proof whatever. It does seem to me that we are proceeding in a very peculiar way, and it does seem to justify the objections that some gentlemen are making to this general method of procedure.

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

Mr. MANN. Mr. Speaker, I understood the gentleman reserved the right to object.

Mr. MOORE of Pennsylvania. Yes.

Mr. MANN. Then I desire to ask the gentleman a question. Does the gentleman know that this woman, Lena Schmieder, lost her first husband in 1895, afterwards married a second husband, lost him, and then put in a claim to the Govment for the loss of both husbands?

Mr. MOORE of Pennsylvania. I do not know that; and that apparently does not appear in the report.

Mr. MANN. It does appear in the report. The gentleman has not read the report.

Mr. MOORE of Pennsylvania. But I have a statement signed by the Judge Advocate General of the War Department saying that this man came to his death as the result of employment under the United States Government, being crushed under a falling river bank which, as foreman, he was engaged in grading to a proper slope for revetment. In the absence of proof in the bill under consideration that the department approves or certifies to the facts, I object.

Mr. MANN. The bill to which the gentleman referred provides for relief for the loss of two husbands.

Mr. POU. The bill authorizes nothing of the kind.

Mr. RAKER. Mr. Speaker, I demand the regular order.

Mr. MANN. Mr. Speaker, I hold the bill in my hand. It provides for relief because of the loss of two husbands.

The SPEAKER pro tempore. The gentleman from Pennsylvania objects, and the Clerk will report the next bill.

Mr. HEALD. May I ask the gentleman from Pennsylvania to what bill he objected?

Mr. MOORE of Pennsylvania. I objected to the bill under consideration. I was also discussing bills that have already been objected to.

LEO MÜLLER.

The next business on the Private Calendar was the bill (H. R. 22257) for the relief of Leo Müller.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the United States Treasury not otherwise appropriated, the sum of $5,000 to Leo Müller, in full of all claims he may have against the Government for injuries received by him while employed by the United States Reclamation Service, as carpenter, at Laguna Dam (Yuma, Cal.) project, for the loss of a leg and other physical disabilities resulting from said injuries.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, if I may, as I understand this bill—and if I am in error I will be glad to be corrected—this claimant has already been paid under the general compensation law the amount allowed by that law, which may or may not be sufficient, but that is the law that Congress passed, and this bill is to pay an additional amount to the claimant over and above what the general law provides. If that be the case, I do not see where we will stop from having the same sort of claims presented by anyone who is allowed any compensation under the general law. Is that the fact?

Mr. HEALD. Mr. Speaker, that is the fact. He received $1,080 under the general law, but the affidavits and other evidence submitted to the committee show the case was such an aggravated one that in addition to the amount allowed under the general law we did vote in the committee to authorize a report for an additional $2,500.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

CHARLES A. DAVIDSON AND CHARLES M. CAMPBELL.

The next business on the Private Calendar was the bill (S. 2199) carrying into effect findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell.

The bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. COX. I object.

Mr. GREGG of Texas. I hope the gentleman will reserve the right to object.

Mr. McGUIRE of Oklahoma. Will the gentleman reserve the right to object until I can explain this bill?

Mr. COX. Later on I will object, but I will reserve it if the gentleman desires to make a statement.

Mr. McGUIRE of Oklahoma. I will not take up the time to make a statement if the gentleman is going to object.

Mr. COX. I object.

ELIZABETH MUHLEMAN AND HEIRS AT LAW OF SAMUEL A. MUHLEMAN, DECEASED.

The next business on the Private Calendar was the bill (S. 4041) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased.

The bill was read.

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

Mr. MANN. Mr. Speaker, I object.

TO REIMBURSE CERTAIN EMPLOYEES, WASHINGTON NAVY YARD.

The next business on the Private Calendar was the bill (H. R. 16449) to reimburse certain employees of the Washington Navy Yard for the loss of mechanic's tools by fire.

The bill was read.

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

Mr. COX. Mr. Speaker, I object.

LIBBIE ARNOLD.

The next business on the Private Calendar was the bill (S. 2628) for the relief of Libbie Arnold.

The bill was read.

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

Mr. FOSTER. Mr. Speaker, I object.

CARL KRUEGER.

The next business on the Private Calendar was the bill (S. 104) for the relief of Carl Krueger.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Carl Krueger, of Denver, Colo., on account of injuries received in the United States mint in the city of Denver, State of Colorado, on February 27 1906.

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

Mr. MANN. Mr. Speaker, reserving the right to object, does not the gentleman think it would be safer to pass this bill at $500?

Mr. TAYLOR of Colorado. I could not hear the gentleman.

Mr. MANN. The Senate passed this bill for $500, and is not likely to increase it, and I see the committee has reported it at $1,500.

Mr. TAYLOR of Colorado. I am perfectly willing to have the committee amendment stricken out, so far as that is concerned. It is a very meritorious case. This man had an arm torn off——

Mr. MANN. I do not think it has the slightest chance of passing at this amount.

Mr. TAYLOR of Colorado. So far as I am concerned, I did not ask to have it increased. It was because of the pitiable condition that the committee saw fit to increase it, and when a man has lost an arm and is crippled for life, and purely without any fault of his own, while working in the Government mint at Denver——

Mr. MANN. And purely without any fault on the part of the Government. The man would not have recovered for working for a private corporation or individual.

Mr. TAYLOR of Colorado. Yes; I think he could have recovered.

Mr. MANN. I do not think he would.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, it is a committee amendment.

Mr. POU. Mr. Speaker——

Mr. TAYLOR of Colorado. Mr. Speaker, I move to strike out the committee amendment. I will ask the chairman of the committee, if I have not any right to do it myself, that he move to strike it out.

The SPEAKER pro tempore. The question is on striking out the committee amendment.

The motion was agreed to.

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

GEORGE HALLMAN.

The next business on the Private Calendar was the bill (H. R. 9125) for the relief of George Hallman.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9125) for the relief of George Hallman.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George Hallman, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $5,000 in full settlement of his claim against the Government of the United States for personal injuries received while in the employ of the Government of the United States as fireman, and when in line of duty.

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

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

Mr. FOWLER. Mr. Speaker, this is a very meritorious bill. It deals with an employee in the Treasury Department in this city. He lost his right eye while in the ranks in the regular line of his duty, and also lost the use of his right leg. He was a fireman and was sent into the Cox Building for the first time to regulate the fire in that building. The furnace was placed down in a pit, and by virtue of an accumulation of rough lumber and débris no light was permitted to be kept in that part of the building. Mr. Hallman was sent for the first time into this building to look after the fire. Groping his way through the dark cellar, he fell into the pit and broke his ankle, which has never sufficiently recovered for its normal use. It is stiff now, and his physicians have informed him that it will never be right again. His injury is permanent. On another occasion, while being sent into the engine room for the purpose of looking after the fire in the regular line of his duty, in trying to regulate the furnace a lump of hot coal flew out and struck him point-blank in the right eye, from the effects of which he was compelled to have his eye enucleated. He is blind now in that eye. He has a stiff ankle, and in my opinion, Mr. Speaker, this House could do itself no greater honor than to pass this bill.

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

Mr. MANN. Reserving the right to object, I notice in the report of the Secretary of the Treasury upon this matter, and I am not sure that it is correct, the statement:

No regular fireman was required to be continually on duty, but one was sent from time to time during the day and night from the Treasury Building to attend to the fires. On one of his regular rounds at night Mr. Hallman entered the cellar, and in attempting to get to the window on the opposite side to secure more light evidently miscalculated the clear space between the boiler front and the wall of the cellar, and fell into the 4-foot pit, thereby injuring his leg.

That would seem to indicate that he was familiar with this place, and that he was making regular rounds there. Whether that is a correct statement or not I do not know.

As to the gentleman's eye——

Mr. FOWLER. Will the gentleman yield?

Mr. MANN. In just a second. As to his eye, he made no complaint of being injured in the eye, made no report of it, but says that a bit of coal flew into his eye. Well, I suppose, really, that is one of the inherent risks that any man takes who is a fireman or who handles coal. I am not sure that the Government is under any obligation to furnish him goggles or pay him if his eye is injured.

I will ask my colleague [Mr. FOWLER] whether, as a matter of fact, it sufficiently appeared to the committee that the statement of the Secretary of the Treasury was incorrect in making the report upon this bill.

Mr. FOWLER. Mr. Speaker, the evidence before our committee revealed that the statement of the Secretary of the Treasury was, unfortunately, not altogether true. The evidence of the claimant and of his coemployees all shows that it was the first time—at least he states so under oath—that he had been sent to the Cox Building, and that he was wholly unacquainted with the conditions in the pit where the furnace was located.

Mr. KENDALL. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. FOWLER] yield to the gentleman from Iowa [Mr. KENDALL]?

Mr. FOWLER. In a moment. All the evidence, Mr. Speaker, with the exception of the statement of the Secretary, is to the effect that the claimant was wholly unacquainted with the conditions in the room in which the injury took place, and that it was his first trip.

Now I yield to the gentleman from Iowa [Mr. KENDALL].

Mr. KENDALL. Does the report disclose the age of the claimant in this case?

Mr. FOWLER. I am not sure that it does. However, I have in mind that he was a middle-aged man.

Mr. KENDALL. I understand from the statement of the gentleman that there were two injuries here?

Mr. FOWLER. Yes.

Mr. KENDALL. Well, I understand from the statement of the gentleman that there were two injuries here.

Mr. FOWLER. Yes.

Mr. KENDALL. How much time intervened between the injuries?

Mr. FOWLER. Well, the first injury, as I recollect, was the injury, in the Cox Building, to his leg.

Mr. KENDALL. That is the injury in which he fell into the pit?

Mr. FOWLER. Yes.

Mr. KENDALL. How long was it after that that a lump of coal struck him in the eye?

Mr. FOWLER. The evidence does not disclose the length of time.

Mr. KENDALL. Was it the same furnace?

Mr. FOWLER. No; I do not understand that it was the same furnace.

The SPEAKER pro tempore. Is there objection?

Mr. HAMLIN. Was his eye injured after he had broken his ankle?

Mr. FOWLER. Mr. Speaker, I so understand.

Mr. HAMLIN. Then, he was able to go back to his work after he had broken it?

Mr. FOWLER. Yes.

Mr. MANN. What is he doing now?

Mr. FOWLER. I understand he is still in the employ of the Government.

Mr. HAMLIN. Is he in the employ of the Government now?

Mr. FOWLER. I think not.

Mr. HAMLIN. Is the gentleman sure about that?

Mr. FOWLER. No; I will not be positive about that, but that is my understanding. Other members of the committee, however, may recollect more definitely than I about his present employment.

Mr. HAMLIN. The gentleman does not know whether his injuries have affected his earning capacity, so far as his employment by the Government is concerned?

Mr. FOWLER. I think they have materially, Mr. Speaker.

Mr. HAMLIN. The gentleman does not know but that he is drawing the same salary?

Mr. FOWLER. I do not think he is employed at all by the Government. In fact, Mr. Speaker, this poor man is blind.

Mr. CAMPBELL. In one eye?

Mr. FOWLER. Yes; in one eye. [Laughter.] I did not fully understand the gentleman from Kansas [Mr. CAMPBELL].

Mr. ADAIR. Blind in one eye and one ankle? [Laughter.]

Mr. FOWLER. Yes. But the injury to his ankle, Mr. Speaker, is almost equal to the loss of the other eye. [Laughter.]

Mr. MANN. Mr. Speaker, will my colleague yield?

Mr. FOWLER. Yes; with pleasure.

Mr. MANN. Did not this claimant when he made his affidavit to the committee, upon which the committee acted, state that he had been in the employ of the Government continuously since May, 1895, first as a fireman and later as a watchman, so that he was then in the employ of the Government in a better position than he was in when he was injured?

Mr. FOWLER. I do not understand that he is in the employ of the Government now.

Mr. MANN. Has my colleague any later information than that disclosed in the report?

The SPEAKER. Is there objection?

Mr. RUCKER of Colorado. Reserving the right to object, Mr. Speaker——

Mr. LOBECK. I object. [Cries of "Regular order!"]

Mr. RUCKER of Colorado. I would like to ask the gentleman from Illinois [Mr. FOWLER] a question.

Mr. FOWLER. Yes; I will yield to the gentleman.

The SPEAKER pro tempore. The gentleman from Nebraska [Mr. LOBECK] objects. The Clerk will call the next one.

MARGARET M'QUADE.

The next business on the Private Calendar was the bill (S. 6408) for the relief of Margaret McQuade.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Margaret McQuade, widow of the late Edward McQuade, alias Edward Quade, out of any money in the Treasury not otherwise appropriated, the sum of $840 as compensation for the death of the said Edward McQuade, alias Edward Quade, caused by and in the performance of his duties as an employee in the Government service in the War Department.

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

Mr. HAMLIN. Reserving the right to object, Mr. Speaker, I would like to have some explanation of this bill.

Mr. GREEN of Iowa. Mr. Speaker, will the gentleman yield?

Mr. HAMLIN. Yes; go ahead. I am asking for an explanation.

Mr. GREEN of Iowa. I am ready to give it to the gentleman. This man McQuade was in the employ of the War Department and detailed as a driver for the Secretary of War. In fact, he had been acting in that capacity for quite a number of years; I can not at this time say how long. He was out driving under directions that had been given him by some one in the department, I think taking the 3-year-old granddaughter of the Secretary out riding.

Mr. MANN. The granddaughter of Secretary Dickinson.

Mr. GREEN of Iowa. The granddaughter of Secretary Dickinson; when from some cause the horses became frightened, became entirely unmanageable, ran away, and I think the pole broke, and he was thrown out and received injuries from which he died shortly afterwards. There was no fault on his part, and probably no negligence on the part of anyone. It was just one of those accidents that will sometimes happen, without the fault of anyone.

The SPEAKER pro tempore. Is there objection?

Mr. COVINGTON. Reserving the right to object, does not the report disclose that this driver was performing a service wholly outside of the line of his governmental duties as the driver for the Secretary of War; that he was taking the young granddaughter of Secretary Dickinson out for a morning drive?

Mr. GREEN of Iowa. That is the fact; but I understand he was under the orders of the Secretary in so doing.

Mr. COVINGTON. As a matter of fact, was he taking that drive under such circumstances that he was under the orders of the Secretary of War and compelled to do it?

Mr. GREEN of Iowa. I take it such was the fact, because the claim was recommended by the War Department.

Mr. COVINGTON. I do not want to bind him down to a harsh rule if he was acting under orders. The report does not so state.

Mr. GREEN of Iowa. The War Department certified to us that he was acting in the line of his employment.

The SPEAKER pro tempore. Is there objection?

Mr. DIFENDERFER. Reserving the right to object, I should like to state that this is not one of the cases where the claimant is now in the employ of the Government. He is dead, and the claim is for $840, the equivalent of one year's salary. The man was serving the War Department at the time of his death, and when the pole of this carriage broke it broke because he ran the team into a bank in order to save these people in the carriage, at the risk of his own life.

Mr. HOWARD. What right under the law had the Secretary of War to delegate this man to drive his 3-year-old granddaughter and that child's governess around this town, when the Government of the United States was paying for his time?

Mr. DIFENDERFER. I can answer that by asking another question: What right had the Secretary to have the carriage at all?

Mr. HOWARD. Because he had the money to pay for it as a private citizen and not as Secretary of War Dickinson.

Mr. FARR. This carriage is allowed to the Secretary of War.

Mr. HOWARD. And he had the right to employ a private citizen as a driver.

Mr. FOSTER. But the Government owned the carriage and furnished the driver.

Mr. HOWARD. I do not care if the Government did own the carriage.

Mr. HAMLIN. If we furnish the Secretary a team, I think he has a right to employ a driver.

Mr. HOWARD. That is the very thing that is being abused in this town by Government officials.

Mr. DIFENDERFER. The answer to that is that this driver did not take out this carriage of his own volition. He must have received instructions from his superior, and he was carrying out those instructions at the time of his death.

Mr. BARNHART. I want to inquire of the gentleman from Pennsylvania, if the Secretary of War sent this man out on a mission for his own family and he was injured thereby, and the Secretary had no official authority to send him out, and he was not out on an official mission, would it not be entirely proper for the Secretary of War to foot the damage bill himself?

Mr. DIFENDERFER. It is quite apparent that he has not.

Mr. MANN. Mr. Speaker, I objected to this bill once on the same grounds that gentlemen have indicated. I understand the fact to be that we furnish the President and Cabinet officers conveyances which are not confined to official business at all. We have provided vehicles for many officials in the city of Washington where the law provides that they can be used for official business only; but that is not the case with the carriages of the Cabinet officers or the conveyances of the President. The President of the United States has the same authority to send his wife or his children or his guests in the conveyance furnished by the Government that he has to use it for official business, and the same is true of the Cabinet officers.

When this bill was before the House before I objected, and afterwards I made more investigation and discovered what is apparently the fact—that Cabinet officials have carriages and drivers furnished by the Government for their convenience not confined to official business at all, and that there is the same right to direct a carriage to be used for a morning drive for the granddaughter of the Secretary of War that there is to carry the Secretary of War to or from his place of official business.

The driver was under directions and could not help himself, nor was the Secretary transcending the authority he had for the use of the carriage.

The SPEAKER pro tempore. Is there objection?

Mr. SHERWOOD. I object.

ESTATE OF ALMON P. FREDERICK.

The next business on the Private Calendar was the bill (S. 2733) for the relief of the estate of Almon P. Frederick.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of Almon P. Frederick, late an inspector of the Post Office Department, who was killed while in the discharge of his duties as an officer of the United States, and because of the faithful discharge of those duties, the sum of $1,600, being one year's salary.

The SPEAKER pro tempore. Is there objection?

Mr. POWERS. Mr. Speaker, reserving the right to object, I would like to have an explanation.

Mr. DICKINSON. Mr. Speaker, this is a Senate bill, and the committee adopted the report of the Senate committee. It is a bill to pay one year's salary to the estate of Almon P. Frederick, who was a post-office inspector. The bill has the favorable recommendation of the department. As a part of the Senate report there is a statement of the case made by the Postmaster General. I will read that statement, which is perhaps as brief, if not briefer, than I could make it. It is in the shape of a letter to the chairman of the Senate Committee on Claims, and is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., December 1½, 1911.

Hon. C. I. CRAWFORD,
Chairman Committee on Claims, United States Senate.

SIR: With reference to bill S. 2733, now pending before your committee, for the relief of the estate of Almon P. Frederick, late a post-office inspector, there is transmitted herewith a copy of a report, bearing date of April 26, 1910, from the inspector in charge at Denver, Colo., to the chief inspector, reciting the circumstances incident to the injuries sustained by Mr. Frederick in an accident which resulted in his death.

It appears that the accident occurred between Bland and Mattison, Colo., while the inspector was in the performance of his official duties. He had procured livery for the purpose of visiting post offices which he could not reach by railroad. A singletree became detached from the doubletree and, dropping to the horses' heels, caused the team to run away. The wagon was overturned and Inspector Frederick thrown violently to the ground, sustaining severe bruises on his left side and breaking three ribs. After walking about a mile in recovering the horses, it was necessary to drive 12 miles to Mattison, where he remained all night. The inspector was 65 years of age and unusually strong and robust. On April 18, 1910, while apparently convalescing, he suffered a collapse and died almost instantly.

Mr. Frederick was appointed a post-office inspector in 1886 and served continuously, with the exception of about one year, until the date of his death. The inspector in charge reports that he was unusually industrious and cheerfully accepted any assignment, regardless of the inconveniences or difficulties, and that he was held in high esteem by postmasters and his associates in the postal service.

This claim appears to be meritorious, and the department is in favor of the passage of the bill, which provides for the payment of one year's salary, $1,600, to the estate of Mr. Frederick.

Respectfully,

F. H. HITCHCOCK, *Postmaster General.*

Mr. POWERS. Is that a letter from the Postmaster General?

Mr. DICKINSON. It is a letter from the Postmaster General, accompanied by a longer report from Mr. W. E. Cochran, inspector in charge.

The SPEAKER pro tempore. Is there objection?

There was no objection.

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

DRENZY A. JONES AND JOHN G. HOPPER.

The next business on the Private Calendar was the bill (S. 3452) for the relief of Drenzy A. Jones and John G. Hopper, joint contractors for surveying Yosemite Park boundary.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be paid to Drenzy A. Jones and John G. Hopper, joint contractors, out of any money in the Treasury not otherwise appropriated, the sum of $2,649.37, for the surveys and resurveys of the Yosemite Park boundary, under contract 184, California, the boundaries of the park having been changed.

The SPEAKER pro tempore. Is there objection?

Mr. BUCHANAN. Mr. Speaker, reserving the right to object, I would like some explanation.

Mr. KAHN. Mr. Speaker, Drenzy A. Jones and John G. Hopper, deputy surveyors, secured a contract to survey the Yosemite National Park. The original contract was for $3,662, but it was subsequently increased to $5,762. The Yosemite National Park is in the high Sierras. The floor of the Yosemite Valley is 4,000 feet above the level of the sea, and many of the points in the park at 8,000 to 10,000 feet above the level of the sea.

In order to do the surveying one has to cross great gulches, and in many places precipitous walls of solid rock confront those engaged in the work. The surveyors completed the work and sent in their notes. The department found that there were errors.

I may say that the work of surveying in the Yosemite National Park can only be performed during three or four months in the year. There is a great fall of snow in the high Sierras, and until the snow is melted it is practically impossible to do the work. The surveyors went back to correct the errors. The Surveyor General of the United States for the State of California accepted the corrections and sent the matter back to the Land Office here in Washington with his approval. The Land Office had another officer of the Government go over their work and found that there were still some corrections to be made.

Mr. MADDEN. Will the gentleman yield?

Mr. KAHN. Certainly.

Mr. MADDEN. That was the resurvey?

Mr. KAHN. Yes.

Mr. MADDEN. Why did they have to resurvey?

Mr. KAHN. Because of errors in the first survey.

Mr. MADDEN. They did not do their work well?

Mr. KAHN. Well, I suppose they omitted some necessary markings.

Mr. MADDEN. This bill provides for the payment of both surveys?

Mr. KAHN. No; but for the work that they really did.

Mr. MADDEN. Both times?

Mr. KAHN. Both times. I want to say that on one occasion, when they went into the valley to do the work, the Interior Department had failed to notify the soldiers who were on guard. Through this failure the party were arrested and lost that entire season, although it cost them hundreds of dollars to equip the expedition into the valley. They went back next year and tried to do the work.

Mr. MADDEN. The gentleman thinks they are entitled to pay for all the time they put in for the survey work?

Mr. KAHN. Yes; and I believe the department has no objection to paying it.

Mr. HOWARD. Mr. Speaker, will the gentleman from California permit me to call his attention to what appears in about the third or fourth line from the bottom of the report, on page 2? The department says:

In view of the fact that the survey would now be of little if any value to the Government because of the change in boundary by act of Congress, the department will not oppose payment of the said sum of $2,649.37 on the contract, notwithstanding the unsatisfactory condition of the survey.

This report says that the department will not oppose it, but they do not say that they approve it, and in the next paragraph it will be seen that the report shows that the surveyors made so many errors in making the survey of this park that the survey was of absolutely no value to the Government.

Mr. KAHN. Mr. Chairman, if the gentleman will permit——

The SPEAKER pro tempore. Is there objection?

Mr. HOWARD. Mr. Speaker, I object.

JOHN G. CAMPBELL.

The next business on the Private Calendar was the bill (H. R. 24942) for the relief of the administrator and heirs of John G. Campbell, to permit the prosecution of Indian depredation claims.

The Clerk read the bill, as follows:

Be it enacted, etc., That the estate of John G. Campbell, deceased, who was a Delegate to the House of Representatives from Arizona in the Forty-sixth Congress, and who became a resident of the United States at a very early age and supposed himself to have become a citi-

zen by the naturalization of his father, be, and is hereby, relieved from any disability under the laws of the United States and from any defect of naturalization, and the administrator of said estate is hereby authorized to prosecute Indian depredation claim No. 2925, now pending in the United States Court of Claims, and to receive judgment therein the same as if the said John G. Campbell had been naturalized under the laws of the United States at the date of the loss alleged; and for this purpose the said Court of Claims is vested with full jurisdiction.

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

Mr. MANN. Mr. Speaker, reserving the right to object, the bill possibly might confer jurisdiction upon other matters. Would the gentleman have any objection to an amendment adding at the end of the bill the words:

So far as the citizenship of said Campbell is concerned.

The bill would then read:

And for this purpose the said Court of Claims is vested with full jurisdiction, so far as the citizenship of said Campbell is concerned.

Mr. HAYDEN. That is the only question.

Mr. MANN. That is what the gentleman wants to get at?

Mr. HAYDEN. That is what I want to get at.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I offer as an amendment at the end of the bill the following, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 2, line 5, after the word "jurisdiction," insert the words "so far as the citizenship of said Campbell is concerned."

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

The amendment was agreed to.

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

MARIA M'MURDIE.

The next business on the Private Calendar was the bill (H. R. 1567) for the relief of Maria McMurdie.

The Clerk read the bill, as follows:

Whereas on August 2, 1887, John McMurdie, an employee of the customhouse at Chicago, Ill., while in the discharge of his duties, was instantly killed by the sudden moving of an elevator cable while the deceased was in the act of stepping over same: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $5,000 to Maria McMurdie, widow, and the heirs at law of the said John McMurdie.

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

Mr. ANTHONY. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Illinois [Mr. MADDEN] a question. This bill, I believe, carries $5,000?

Mr. MADDEN. The committee recommends the payment of $720, one year's compensation, and amends the bill so that it carries $720.

Mr. ANTHONY. Then the bill really carries only one year's compensation?

Mr. MADDEN. Yes.

Mr. HOWARD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he can tell the House why this claim has been delayed from 1887 until now?

Mr. MADDEN. Yes. There has been attempt after attempt made to get action upon the part of the Committee on Claims, and this is the first time we have ever been able to do it.

Mr. HOWARD. Does not the gentleman think that the claimant was guilty of gross contributory negligence in stepping over a thing that he knew was dangerous?

Mr. MADDEN. I am sorry to say that I can not agree with my friend from Georgia. The machinery was unprotected.

Mr. HOWARD. Mr. Speaker, the gentleman from Illinois is always right, and I will not object.

Mr. BUCHANAN. Mr. Speaker, I want to ask the gentleman if he does not think this allowance is quite liberal, in the face of the fact that we have sat here this evening and men have objected to claims that were just and did not carry an amount up to what should have been carried for the injury received. It does not seem to be consistent. I am not going to object to this.

Mr. DIFENDERFER. Mr. Speaker, I am.

The SPEAKER. The gentleman from Pennsylvania objects.

Mr. MADDEN. Mr. Speaker, I hope the gentleman from Pennsylvania will reserve his objection.

Mr. DIFENDERFER. Mr. Speaker, I will withhold the objection for a moment.

Mr. MADDEN. Mr. Speaker, I desire to make a statement in connection with the case. I hope the gentleman will pay attention to what I say in this connection. The man McMurdie, for whose widow this bill is proposed to be passed, was a fireman in the employ of the Government of the United States in the customhouse at Chicago. While in the performance of his duty in the attic of the building, he was required to pass over the cables that were used in connection with the operation of the elevators. These cables were not in any way protected, and he was caught in the sleeve of a machine as a result of this unprotected cable and killed almost instantly. His widow is an old woman. She is living on the charity of her only daughter, whose husband is barely able to make a living for his wife and children. This woman has not very much longer to live.

It would be a great mistake, in my judgment, for any person to object to the passage of a bill so meritorious, and I hope my friend from Pennsylvania will withdraw his objection.

Mr. DIFENDERFER. Mr. Speaker, I object.

ROBERT T. MARTIN.

The next business on the Private Calendar was the bill (H. R. 25318) for the relief of Robert T. Martin.

The bill was read.

Mr. POU. Mr. Speaker, I ask that that bill be passed over. I will object to it myself. My reason for making the objection is that since the bill was introduced, as I understand, the department has changed its ruling and the claimant has been paid.

MARY J. WEBSTER.

The next business on the Private Calendar was the bill (S. 4839) for the relief of Mary J. Webster.

The bill was read.

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

Mr. BUCHANAN. Mr. Speaker, I will reserve the right to object.

Mr. FRENCH. Mr. Speaker, the bill is practically a bill for the quieting of title to 80 acres of land that was entered by Mary J. Webster in 1904 under the desert-land law. After she expended, according to the evidence here, some $2,000 in trying to bring water by means of digging a ditch to this land she found that the water percolated through the ditch to such an extent that after six years she gave up that attempt. In the meantime it was discovered the entryman could develop the land fairly well and farm it by the method of dry farming, and she continued to cultivate the land, attempting in 1910 to acquire it by scrip.

It developed later that the scrip that she had purchased was not based upon valid service, and the department, on appeal so decided, and gave her 60 days in which she might appeal. Prior to this an order had been issued by the department that in such cases the right of appeal should be limited to 30 days. Now, the local land office sent her the notice, giving her 60 days' right of appeal. She took her appeal within the 60 days plus the customary 10 days, but in the meantime a claimant by the name of Vier P. Peterson had offered a homestead filing upon the land and acquired certain equities.

The House committee has offered an amendment requiring that the Secretary of the Interior shall adjudicate the amount of damages due Vier P. Peterson and that Mary J. Webster shall pay this to the said Peterson and that he shall retain his homestead right intact. The bill then provides that patent shall be issued to Mary J. Webster. I will also say that for several years the land has been cultivated.

Mr. BUCHANAN. Mr. Speaker, reserving the right to object, I want to say this may be a just claim and——

Mr. HOWARD. Mr. Speaker——

Mr. BUCHANAN. And if I may be permitted——

Mr. HOWARD. Mr. Speaker, a parliamentary inquiry. Who has the floor?

Mr. BUCHANAN. I have the floor. I ask for the regular order.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. FRENCH. I hope the gentleman will withhold his objection for a moment.

Mr. RAKER. Mr. Speaker, I think the gentleman will withhold his objection. [Cries of "Regular order!"]

The SPEAKER pro tempore. The regular order is demanded.

JOSEPH HUNTER.

The next business on the Private Calendar was the bill (H. R. 5221) granting a pension claim to Joseph Hunter.

The bill was read.

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

Mr. COX. I object.

Mr. GRAHAM. Will the gentleman withhold his objection?

Mr. COX. I will reserve it if the gentleman wants to make a statement, but I will object later on.

The SPEAKER pro tempore. The Chair is desirous to state that in order to transact the business if gentlemen are going to make objections they should make them——

Mr. COX. I object, Mr. Speaker.

Mr. GRAHAM. Mr. Speaker, the House might as well adjourn. There will be no more business done to-night.

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

The question was taken, and the motion was rejected.

WARREN E. DAY.

The next business on the Private Calendar was the bill (S. 4033) for the relief of Warren E. Day.

The bill was read, as follows:

An act (S. 4033) for the relief of Warren E. Day.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Warren E. Day, out of any moneys in the Treasury not otherwise appropriated, the sum of $1,200, being for professional services rendered and medicine furnished the Hualapai Indians in Arizona Territory, under the orders and approval of the Commissioner of Indian Affairs, during the years 1883 and 1884.

Mr. MANN and Mr. GRAHAM rose.

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

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] is recognized.

Mr. MANN. I am waiting for my colleague [Mr. GRAHAM].

Mr. GRAHAM. Mr. Speaker, this sort of hit-and-miss legislation is unworthy of this House. Claims have been refused to-night that are overflowing with merit. Other claims, less meritorious, have been passed. We may as well send a committee of three out to throw dice to see what claims shall pass and what claims shall not pass. No more bills will pass to-night if I have the power to speak.

Mr. MANN. Mr. Speaker, reserving the right to object, my colleague had a bill that was just objected to. It was the case where a man had a pension, and his name was stricken off the roll by the Pension Bureau. He obtained a pension nine years afterwards, and this bill presented here is to pay him a pension during those nine years. If my colleague's bill should pass the House, we might just as well make up our minds that every time we pass a special pension bill, we must date it back to the date of disability. I do not think when he desires to break a precedent of that sort, he ought to take offense for not being able to pass a bill by unanimous consent, and without discussion.

Mr. GRAHAM. Mr. Speaker, the report on this bill shows that the name of the soldier was improperly stricken from the pension roll. The committee which afterwards recommended the passage of a private bill said that they thought the passage of that bill restored to him the pension which had lapsed during the nine and odd years that he was off the roll. The report in this case says:

On consideration the committee thinks that the name of the soldier should not have been dropped from the pension roll, and, therefore, recommends the passage of this bill.

Mr. MANN. But it is true, is it not, that the Pension Office would not restore the man to the pension roll until he got a special act of Congress? The committee may now say, but that does not carry much weight, that he ought not to have been stricken from the roll, but the Pension Office would not restore him.

Mr. GRAHAM. But it further appears that he was improperly stricken off, and the report here shows how. He was stricken off in 1880 by some sort of star-chamber process then in effect. He was unjustly stricken from the roll. He is an old man, suffering from stomach trouble incurred in the service, from which has grown something like epileptic fits. He is impoverished. He lives off his relatives now, part of whom live in my district and a part of whom live in the district of my friend from Missouri [Mr. DICKINSON]. I say, Mr. Speaker, it is utterly useless for us to sit here and throw dice as to which bill shall pass and which shall not.

Mr. MANN. I think it is unwarrantable for the gentleman to make that charge against the House because he can not get an unworthy proposition passed through the House.

Mr. GRAHAM. I would like to know in advance who is going to get the lucky dice.

Mr. MACON. Regular order, Mr. Speaker.

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

Mr. HAMILTON of Michigan. I hope to get some lucky dice myself.

Mr. COOPER. Regular order, Mr. Speaker.

The SPEAKER pro tempore. All of this debate is by unanimous consent.

Mr. COVINGTON. I demand the regular order.

The SPEAKER pro tempore. The regular order is demanded. The Clerk will report the next bill.

Mr. COX. I ask unanimous consent, Mr. Speaker——

Mr. GRAHAM. The regular order.

Mr. HAYDEN. I hope the gentleman will not object. This is my bill, and I desire to explain it to the House.

The SPEAKER pro tempore. The demand for the regular order is equivalent to an objection. The Clerk will report the next bill.

LIEUT. SYDNEY SMITH.

The next business on the Private Calendar was the bill (H. R. 25623) to authorize the transfer of Lieut. Sydney Smith from the retired to the active list of the Army.

The bill was read as follows:

A bill (H. R. 25623) to authorize the transfer of Lieut. Sydney Smith from the retired to the active list of the Army.

Be it enacted etc., That First Lieut. Sydney Smith, who was retired in June, 1908, be transferred from the retired list of the United States Army to the active list, to take rank as though he had not been retired, when there shall be a vacancy in that grade; but nothing herein contained shall be construed to increase the total authorized commissioned strength of the Army.

The SPEAKER pro tempore. Is there objection?

Mr. GRAHAM. Reserving the right to object——

The SPEAKER pro tempore. Does the gentleman from Illinois [Mr. GRAHAM] object?

Mr. GRAHAM. Yes.

The SPEAKER pro tempore. The Clerk will read the next bill.

Mr. WATKINS. I hope the gentleman will not object.

The SPEAKER pro tempore. May the Chair inquire whether the gentleman from Illinois [Mr. GRAHAM] intends to object?

Mr. GRAHAM. The gentleman does.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. KAHN. Mr. Speaker, I move that the House adjourn.

The SPEAKER pro tempore. The gentleman from California [Mr. KAHN] moves that the House adjourn. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The SPEAKER pro tempore. The Clerk will report the next one.

HEIRS OF NICHOLAS CHANO.

The next business on the Private Calendar was the resolution (H. Res. 734) referring the bill (H. R. 16737) for the relief of the heirs of Nicholas Chano, deceased, to the Court of Claims.

The resolution was read.

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

Mr. GRAHAM. I reserve the right to object.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER pro tempore. Regular order is demanded. The Clerk will report the next one.

Mr. KAHN. Mr. Speaker, I make the point that there is no quorum present.

Mr. MANN. Mr. Speaker, what became of the resolution? No objection was made to the resolution.

The SPEAKER pro tempore. A demand for the regular order is equivalent to an objection. The Clerk will report the next bill.

Mr. MANN. But no objection was made to the resolution.

Mr. KAHN. Mr. Speaker, I withdraw the point of no quorum.

Mr. MANN. My colleague reserved the right to object, and I asked for the regular order.

Mr. GRAHAM. I object.

The SPEAKER pro tempore. The Clerk will report the next bill.

GEORGE W. CARY.

The next business on the Private Calendar was the bill (H. R. 25527) for the relief of George W. Cary.

The bill was read.

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

Mr. GRAHAM. I object.

Mr. RAKER. Will not the gentleman withhold his objection for a moment?

Mr. KENDALL. The regular order, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the next bill.

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

The SPEAKER pro tempore. The gentleman from Missouri [Mr. HAMLIN] moves that the House adjourn. The question is on agreeing to that motion.

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. HAMLIN. A division, Mr. Speaker.

Mr. GOLDFOGLE. Mr. Speaker, I raise the point that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. HAMLIN] demands a division.

The House divided; and there were—ayes 18, noes 66.

So the House refused to adjourn.

The SPEAKER pro tempore. The Clerk will report the next bill.

Mr. GRAHAM. Mr. Speaker, we could not hear the announcement of the Chair at this point.

The SPEAKER pro tempore. The ayes were 18 and the noes were 66, and the House refused to adjourn.

Mr. GRAHAM. Mr. Speaker, it is evident that there is not a quorum present.

The SPEAKER pro tempore. The Chair will count. [After counting.] There are 138 gentleman present—not a quorum.

Mr. CLARK of Florida and Mr. MANN moved a call of the House.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] and the gentleman from Florida [Mr. CLARK] move a call of the House. The question is on agreeing to that motion.

The question was taken, and the Speaker pro tempore announced that the noes seemed to have it.

Mr. MANN. I ask for a division on a call of the House. I make the point of order that the motion to adjourn is dilatory. We have just voted it down two or three times.

The SPEAKER pro tempore. A division is called for.

The House divided; and there were—ayes 62, noes 30.

The SPEAKER pro tempore. A call of the House is ordered. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adair	Evans	Kindred	Peters
Aiken, S. C.	Fairchild	Kinkaid, Nebr.	Plumley
Alexander	Fergusson	Knowland	Porter
Allen	Ferris	Konig	Prince
Ames	Finley	Konop	Prouty
Anderson	Fitzgerald	Kopp	Pujo
Andrus	Focht	Korbly	Rainey
Ansberry	Fordney	Lafean	Randell, Tex.
Ashbrook	Fornes	Lafferty	Ransdell, La.
Ayres	Foss	Langham	Redfield
Barchfeld	Fuller	Langley	Rees
Barnhart	Gardner, Mass.	Lawrence	Reilly
Bartholdt	Gardner, N. J.	Lee, Ga.	Reyburn
Bartlett	Garner	Lenroot	Richardson
Bates	Garrett	Lindsay	Riordan
Borland	George	Linthicum	Roberts, Mass.
Bradley	Gillett	Littlepage	Roberts, Nev.
Brantley	Glass	Littleton	Rodenberg
Broussard	Goeke	Longworth	Rothermel
Brown	Good	Loud	Rubey
Bulkley	Gould	McCall	Rucker, Mo.
Burgess	Gray	McCoy	Saunders
Burke, Pa	Greene, Mass.	McCreary	Sells
Burleson	Greene, Vt.	McGillicuddy	Sharp
Burnett	Gregg, Pa.	McGuire, Okla.	Sherley
Butler	Gregg, Tex.	McKellar	Simmons
Calder	Griest	McKinley	Sims
Callaway	Gudger	McLaughlin	Sisson
Candler	Guernsey	McMorran	Slayden
Cannon	Hamill	Maher	Sloan
Carter	Hamilton, W. Va.	Martin, Colo.	Smith, Saml. W.
Cary	Hammond	Martin, S. Dak.	Smith, N. Y.
Clayton	Hardwick	Matthews	Sparkman
Cline	Hardy	Mays	Speer
Conry	Harris	Merritt	Stack
Copley	Harrison, N. Y.	Miller	Steenerson
Cravens	Hartman	Mondell	Stephens, Nebr.
Crumpacker	Haugen	Moon, Pa.	Stephens, Tex.
Curley	Hawley	Moon, Tenn.	Stevens, Minn.
Currier	Hay	Moore, Tex.	Sweet
Dalzell	Hayes	Morgan, La.	Talbott, Md.
Danforth	Heflin	Morrison	Taylor, Ohio
Daugherty	Helgesen	Morse, Wis.	Thayer
Davenport	Henry, Conn.	Mott	Thistlewood
Davidson	Henry, Tex.	Murdock	Thomas
Davis, Minn.	Higgins	Murray	Tilson
Davis, W. Va.	Hill	Needham	Townsend
De Forest	Hinds	Neeley	Turnbull
Dent	Houston	Norris	Underhill
Dies	Howell	Nye	Underwood
Dixon, Ind.	Howland	Oldfield	Vare
Dodds	Hughes, Ga	Olmsted	Vreeland
Donohoe	Hughes, W. Va.	O'Shaunessy	Weeks
Doughton	Hull	Padgett	Whitacre
Draper	Humphrey, Wash.	Page	White
Driscoll, D. A.	Jackson	Palmer	Wilder
Driscoll, M. E.	James	Parran	Wilson, Ill.
Dwight	Johnson, Ky.	Patten, N. Y.	Wilson, N. Y.
Dyer	Johnson, S. C.	Patton, Pa.	Wood, N. J.
Ellerbe	Jones	Payne	Woods, Iowa
Estopinal	Kent	Pepper	Young, Mich.
			Young, Tex.

The SPEAKER pro tempore. One hundred and thirty-seven Members, not a quorum, have answered to their names.

ADJOURNMENT.

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

The motion was agreed to; accordingly (at 10 o'clock and 6 minutes p. m.) the House adjourned until Saturday, February 15, 1913, at 11.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

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

1. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of Mahoning River, Ohio, with a view to snagging that portion between Warren and Levittsburg and 5 miles farther toward its source (H. Doc. No. 1396); to the Committee on Rivers and Harbors and ordered to be printed.

2. A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report on examination of St. Johns River, Fla., from outlet of Lake Harney to Lake Washington, including removal of bars in Lakes Harney and Puzzle (H. Doc. No. 1397); to the Committee on Rivers and Harbors and ordered to be printed with illustrations.

3. A letter from the Acting Secretary of the Treasury, submitting estimate of appropriation for the construction or purchase of gasoline motor boat for service in the customs collection district of Corpus Christi, Tex. (H. Doc. No. 1398); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Secretary of the Treasury, submitting draft of legislation and recommending construction of new assay office building, New York City (H. Doc. No. 1399); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PROUTY, from the Committee on the District of Columbia, to which was referred the bill (S. 5861) to enjoin and abate houses of lewdness, assignation, and prostitution; to declare the same to be nuisances; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purposes; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, reported the same without amendment, accompanied by a report (No. 1517), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. GREEN of Iowa, from the Committee on Claims, to which was referred the bill (H. R. 5352) for the relief of the estate of Moses M. Bane, reported the same with amendment, accompanied by a report (No. 1516), which said bill and report were referred to the Private Calendar.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (S. 2953) for the relief of George P. Chandler, reported the same without amendment, accompanied by a report (No. 1518), which said bill and report were referred to the Private Calendar.

Mr. ESTOPINAL, from the Committee on Naval Affairs, to which was referred the bill (S. 8348) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Minor Meriwether, jr., reported the same with amendment, accompanied by a report (No. 1520), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. CANTRILL: A bill (H. R. 28759) to regulate the speed of common carriers of passengers by railroads in certain cases, and to provide a punishment for a violation of the act; to the Committee on Interstate and Foreign Commerce.

By Mr. MADDEN: A bill (H. R. 28760) for the establishment of a bureau of public highways; to the Committee on Agriculture.

By Mr. O'SHAUNESSY: A bill (H. R. 28761) for the purchase of additional land and for repairing the Federal building at Bristol, R. I.; to the Committee on Public Buildings and Grounds.

By Mr. CLAYTON: A bill (H. R. 28764) to amend section 2 of an act entitled "An act regulating fees and costs, and for other purposes," approved February 22, 1875; to the Committee on the Judiciary.

Also, a bill (H. R. 28765) to amend section 44 of an act approved March 4, 1909, entitled "An act to codify, revise, and amend the penal laws of the United States"; to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 836) amending the rules of the House of Representatives; to the Committee on Rules.

Also, resolution (H. Res. 837) directing the Secretary of the Treasury to furnish the House of Representatives with certain information; to the Committee on Ways and Means.

By Mr. HUMPHREYS of Mississippi: Resolution (H. Res. 838) to provide for reprinting House Document No. 1346; to the Committee on Printing.

By Mr. FRENCH: Memorial from the Legislature of the State of Idaho, protesting against the House amendment to the Senate bill known as the three-year homestead bill; to the Committee on the Public Lands.

PRIVATE BILLS AND RESOLUTIONS.

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

By Mr. McCALL: A bill (H. R. 28762) for the relief of Patrick Conley; to the Committee on Military Affairs.

By Mr. PETERS: A bill (H. R. 28763) granting a pension to Celestia Watkins; 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. ANSBERRY: Petition of 7 citizens of the fifth congressional district of Ohio, favoring the passage of legislation to provide a suitable reward for Arlington A. Robinson as a testimonial for services rendered to the United States in discovering the true northern axis of the earth, etc.; to the Committee on Appropriations.

By Mr. BATES: Petition of the Erie County Bird Club, of Pennsylvania, favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

By Mr. BURKE of South Dakota: Petition of sundry citizens of Brown County, S. Dak., favoring the passage of legislation for an investigation of the persecution by the Government of the editors of the Appeal to Reason; to the Committee on Expenditures in the Post Office Department.

Also, petition of the Webster Commercial Club, of Webster, S. Dak., favoring the passage of the Weeks bill (H. R. 27567) for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. CALDER: Petition of members of the Bird Lover Club of Brooklyn, N. Y., favoring the passage of the McLean bill for granting Federal protection to migratory birds; to the Committee on Agriculture.

By Mr. CAMPBELL: Petition of Local Columbus of Socialist Party of Kansas, favoring the passage of legislation for an investigation of the persecution of the editors of the Appeal to Reason by the Government; to the Committee on Expenditures in the Post Office Department.

By Mr. DYER: Papers to accompany bill (H. R. 22741) granting a pension to Thomas Paine; to the Committee on Pensions.

Also, petition of the St. Louis Screw Co., St. Louis, Mo., favoring the passage of Senate bill 7782, for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of Ernest Thompson Seton, Greenwich, N. J., favoring the passage of the McLean bill granting Federal protection to all migratory birds; to the Committee on Agriculture.

Also, petition of the Downtown Taxpayers' Association, Brooklyn, N. Y., favoring insertion of a clause in the naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

Also, papers to accompany bill (H. R. 27803) granting a pension to John G. Hunt; to the Committee on Invalid Pensions.

Also, petition of Edward Schnurr, O. H. Kurtz, J. Welch, Conrad Peterson, Louis Kettmann, John N. Chadeaym, J. E. Baker, and J. C. Ramsay, of St. Louis, Mo., favoring the passage of House bill 25685, providing for the labeling and tagging of all fabrics and articles of clothing intended for sale which enter into interstate and foreign commerce, and providing penalties for misbranding; to the Committee on Interstate and Foreign Commerce.

By Mr. FULLER: Petition of Harry M. Pollard, of Mendota, Ill., favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of the American Protective Tariff League, New York, for the repeal of section 2 of the Canadian reciprocity act and for protection for the paper and pulp industry; to the Committee on Ways and Means.

Also, petition of the Illinois legislative board of the Brotherhood of Locomotive Engineers, Charleston, Ill., favoring the passage of the workman's compensation bill as amended by the Judiciary Committee of the House of Representatives; to the Committee on the Judiciary.

By Mr. GOULD: Petition of doctors of Bucksport, Me., protesting against the passage of House bill 28277, providing a special tax on the sale of opium or coca in any form; to the Committee on Ways and Means.

Also, petition of the Woman's Club, of Skowhegan, Me., protesting against the passage of any legislation tending to destroy the present national system of forest preservation; to the Committee on Agriculture.

By Mr. HIGGINS: Petition of Little River Grange, No. 36, Hampton, Conn., favoring the passage of the agricultural extension bill for the advancement of the interests of agriculture; to the Committee on Agriculture.

By Mr. LAFFERTY: Petition of the Friends Quarterly Meeting, of Portland, Oreg., protesting against the passage of House bill 8141, for enlarging the Army and Navy; to the Committee on Military Affairs.

By Mr. LEVY: Petition of American Protective Tariff League of New York, for the repeal of section 2 of the Canadian reciprocity act and for protection for the paper and pulp industry; to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of American Protective Tariff League of New York, for the repeal of section 2 of the Canadian reciprocity act, and for protection for the paper and pulp industry; to the Committee on Ways and Means.

By Mr. MANN: Petition of the League of Cook County (Ill.) Clubs, Chicago, Ill., favoring the passage of legislation for reduction of the tax on oleomargarine; to the Committee on Agriculture.

By Mr. MARTIN of South Dakota: Petition of the Webster Commercial Club, of Webster, S. Dak., favoring the passage of the Weeks bill (H. R. 27567) for a 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

By Mr. MATTHEWS: Petition of the Woman's Christian Temperance Union of Monongahela, Pa., favoring the passage of the Kenyon-Sheppard bill for preventing the shipment of liquors into dry territory; to the Committee on Interstate and Foreign Commerce.

By Mr. O'SHAUNESSY: Petition of Howard I. Gardner, Providence, R. I.; Maud L. Stevens, Newport, R. I.; Judith B. Hopkins, East Providence, R. I.; and the Rhode Island Horticultural Society, favoring the passage of the McLean bill for the Federal protection of migratory birds; to the Committee on Agriculture.

Also, petition of M. Vervena, Providence, R. I., protesting against the passage of Senate bill 3175, for the restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. REILLY: Petition of the Downtown Taxpayers' Association, Brooklyn, N. Y., favoring the insertion of a clause in the naval appropriation bill providing for the building of one of the new battleships in a Government navy yard; to the Committee on Naval Affairs.

Also, petition of the system Federation of Harriman Lines, favoring the passage of legislation for investigation of the present condition of equipments of the railways and for improvement of the condition of the American railway employee; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Indiana State Sealers' Association, Indianapolis, Ind., favoring the passage of legislation providing for a standard barrel for fruits, vegetables, and other dry commodities; to the Committee on Interstate and Foreign Commerce.

By Mr. SMALL: Petition of the Board of Trade of Winston-Salem, N. C., favoring the passage of legislation for amending the banking laws of the United States; to the Committee on Banking and Currency.

By Mr. SPARKMAN: Petition of No. 1765, United Brotherhood of Carpenters and Joiners of America, Orlando, Fla., favoring the passage of the Clayton limitation bill relative to amending certain laws of the judiciary; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of Fremont Brown and other citizens of Urbana, Ohio, favoring the passage of legislation asking for an investigation of the Federal prison at Fort Leavenworth, Kans.; to the Committee on the Judiciary.

By Mr. WILSON of New York: Petition of the Sailors' Union of the Atlantic, New York, relative to the payment of the crews of the Panama Steamship Line and the special privileges granted to said company which is controlled and owned by the United States Government; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Unity Republican Club, of the twentieth assembly district, New York, favoring the passage of House bill 25685, providing for the labeling and tagging of all fabrics and articles of clothing intended for sale which enter into interstate and foreign commerce, and providing penalties for misbranding; to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *February 15, 1913.*

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

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

EXERCISES FOR THE DAY.

The PRESIDENT pro tempore (AUGUSTUS O. BACON) called the Senate to order and directed the Secretary to read the resolution of the Senate adopted on the 28th of January last.

The Secretary (Charles G. Bennett) read the resolution, as follows:

Resolved, That Saturday, the 15th day of February, be set apart for appropriate exercises in commemoration of the life, character, and public service of the late JAMES S. SHERMAN, Vice President of the United States and President of the Senate of the United States.

The PRESIDENT pro tempore. The Senate is now in session for the purposes of this resolution.

GUESTS OF THE SENATE.

At 12 o'clock and 3 minutes p. m. the Sergeant at Arms (E. L. Cornelius) announced the Speaker and Members of the House of Representatives of the United States.

The Speaker was escorted to a seat on the left of the President pro tempore, and the Members of the House of Representatives, the Clerk, Sergeant at Arms, and Chaplain of the House occupied the seats assigned them.

At 12 o'clock and 6 minutes p. m. the Sergeant at Arms announced the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States, who were conducted to the seats provided for them in the area in front of the Secretary's desk.

At 12 o'clock and 8 minutes p. m. the Sergeant at Arms announced the ambassadors and ministers plenipotentiaries from foreign countries to the United States, and they were conducted to the seats assigned them.

At 12 o'clock and 10 minutes p. m. the Sergeant at Arms announced the President of the United States and the members of his Cabinet, who were escorted to the seats provided for them in the space in front of the Secretary's desk.

The other invited guests, the judges of the Commerce Court, the judges of the Court of Customs Appeals, the judges of the courts of the District of Columbia, the officers of the Army and Navy stationed in Washington, the members of the Interstate Commerce Commission, and the members of the Civil Service Commission, occupied seats on the floor of the Senate.

The PRESIDENT pro tempore. Prayer will now be offered by the Chaplain of the Senate.

PRAYER.

The Chaplain of the Senate, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, Thou hast been our dwelling place in all generations. Before the mountains were brought forth, or ever Thou hadst formed the earth and the world, even from everlasting to everlasting, Thou art God. We thank Thee, O Holy One, that in a world of fleeting change and where naught abides we can take refuge in Thee who inhabitest eternity. Because Thou art so great, and for that Thy years have no end, therefore canst Thou stoop even to us who seem but children of a day. Bend over us now, we beseech Thee, and for our weakness give Thou us of Thy strength, and in the darkness of our sorrow bid the light of Thy Holy Spirit to shine upon us.

Thou knowest all, our Father, and because Thou knowest Thou canst help. Thou knowest how weak and frail we are. Therefore look we unto Thee, who art Lord alike of life and of death. To Thine unfailing compassion we turn, even to Thee, who dost note Thy children's pain and sorrow. We bring to Thee our empty hearts, our loneliness, our pain, and lay them at Thy feet. If we drop a tear, it is not because we doubt Thee or because we murmur at Thy will, but because of the great love we bear to him whom Thou hast called from our visible presence and whom we this day mourn. In Thy name we consecrate this day to him.

Thou hast taken from us, our Father, the Vice President of this Nation and the President of this Senate. As we record the greatness of our loss and faintly utter our tributes of love and honor, aid Thou us. Touch Thou our lips, we pray Thee, that the measure of our hearts' affection may find utterance this day. Inspire our minds, and by Thy Holy Spirit quicken our remembrance, that the life which Thou hast taken from us may live before us as he lives before Thee.

O Thou who art the Giver of every good and perfect gift, sincere and fervent thanks we render unto Thee for the life, the character, and the public service of Thy servant, the Vice President of the United States. For the fruitage of his labors, for the blessed and unfading memory of his life, for these, our Father, we thank Thee more than our lips can say. And now, that Thou hast called Thy servant to Thy nearer presence and to Thy higher service, we yield him to Thy love and keeping. May his soul rest in peace!

We commend to Thee, most merciful Father, the hearts made desolate by this loss. Let the light of Thy countenance dispel the grief and gloom of the home where Thy servant was wont to dwell. Comfort, we pray Thee, the wife and family as we, alas, can not do. Touch their hearts with Thy love and heal their wounds. Though Thou leadest them through the valley of the shadow of death, may they fear no evil. Let the rod of Thy faithfulness and the staff of Thy loving kindness comfort them. Give unto them beauty for ashes, the oil of joy for mourning, and the garment of praise for the spirit of heaviness. Graciously grant that neither life with its burdens nor death with its sorrows may be able to separate them from the love of God which is in Christ Jesus our Lord.

And now may God our Father, who hast loved us with an everlasting love and called us into His eternal kingdom in Christ, comfort our hearts and stablish them in every good word and in every good work. Unto Him be glory and honor, dominion and power, now and forevermore. Amen.

MEMORIAL ADDRESSES ON THE LATE VICE PRESIDENT SHERMAN.

The PRESIDENT pro tempore. For the purposes of this commemoration a certain order of exercises has been adopted, in pursuance of which there will be addresses made by Senators and some of the guests on this occasion. The Chair now recognizes the senior Senator from New York [Mr. ROOT].

ADDRESS OF SENATOR ROOT.

Mr. ROOT. Mr. President, Vice President SHERMAN was born in the city of Utica, on the banks of the Mohawk, on the 24th of October, 1855. He came of English stock. His father, Richard U. Sherman, was a native of the same county and was one of its well-known and esteemed citizens. His grandfather, Willett Sherman, was one of the early settlers upon the lands relinquished by the Oneida Indians toward the close of the eighteenth century, and he was one of the first manufacturers of central New York. The grandson was graduated from Hamilton College in the class of 1878. He was admitted to the bar in 1880 and became a successful lawyer. In 1884 he was made mayor of his native city. In 1886 he was chosen by the people of the great manufacturing region of the upper Mohawk to represent them in the Fiftieth Congress; and for more than 20 years he continued to represent them with but one break in his continuous service through reelection to the Fifty-first, Fifty-third, Fifty-fourth, Fifty-fifth, Fifty-sixth, Fifty-seventh, Fifty-eighth, Fifty-ninth, and Sixtieth Congresses. He became a potent factor in the House of Representatives. He was an active member of the Committee on Interstate and Foreign Commerce; he was chairman of the Committee on Indian Affairs; and he was long a member of the Committee on Rules, one of that little group of three constituting a majority of the committee, who, under the former rules of the House, guided the course of legislation and accomplished the nearest approach to responsible parliamentary government which this country has ever seen. Through frequent designation as Chairman to preside over the House sitting in Committee of the Whole, where so great a part of the business of the House is done, he gradually rose to general recognition as a parliamentarian of the first order and a presiding officer of the highest effectiveness. In his own city, as the years passed, evidences accumulated of the respect and confidence in which