

*Chaplain.*

Thomas B. Thompson.

## MEDICAL RESERVE CORPS.

Assistant surgeons.

J. Forest Burnham.

Adolphus B. Bennett.

Charles A. Simpson.

William S. Bainbridge.

Homer G. Fuller.

Louis C. Lehr.

James J. Richardson.

William G. Morgan.

William G. Townsend.

George T. Vaughn.

Lloyd P. Shippen.

John A. Tompkins.

Albert E. Gallant.

Samuel S. Adams.

William S. Thomas.

David A. Heffernan.

Harold D. Meeker.

Walter W. Wilkinson.

Claude A. Frinke.

Edward M. Foote.

Bert R. Shurly.

## MARINE CORPS.

*Second lieutenants.*

Arthur H. Turner.

Thomas M. Luby.

Norman C. Bates.

Douglas B. Roben.

Harry K. Pickett.

Maurice S. Berry.

Harold D. MacLachlan.

John B. Sebree.

Vincent B. Stack.

Theodore A. Secor.

## PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

*Third lieutenants of engineers.*

Gustavus Richard O'Connor.

Walter Melchior Troll.

## HOUSE OF REPRESENTATIVES.

SUNDAY, March 2, 1913.

(Continuation of legislative day of Saturday, March 1, 1913.)

## AFTER THE RECESS.

The recess having expired, at 2 o'clock and 30 minutes p. m. Sunday, March 2, the House resumed its session.

## ELECTION OF SENATORS BY POPULAR VOTE.

The SPEAKER announced that he had received a letter from the secretary of state of Wisconsin, announcing that the legislature of that State had ratified the proposed amendment to the Constitution for the election of Senators by popular vote.

## ORDER OF BUSINESS.

Mr. NORRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NORRIS. This morning at 1 o'clock when we took a recess there was a motion pending which had been seconded. Will that motion to suspend the rules be the unfinished business as soon as we reach that particular order of business, or as soon as we dispose of conference reports?

The SPEAKER. The Chair will rule that, barring conference reports and appropriation bills, the gentleman's motion is the unfinished business.

Mr. NORRIS. I believe that is right.

## EXPLANATION OF VOTE.

Mr. BERGER. Mr. Speaker, I am recorded as being present on the vote for the closing of traffic on Pennsylvania Avenue during the suffrage parade. I would like to vote "aye," as I voted under a misapprehension.

The SPEAKER. That is not permissible. The gentleman can make an explanation in the RECORD.

Mr. BERGER. I would like to get unanimous consent to change my vote to "aye," because I voted under a misapprehension. I understood it was a call of the House.

The SPEAKER. If the gentleman can get unanimous consent, he can make his explanation in the RECORD.

Mr. BERGER. I ask unanimous consent to print an explanation in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

## NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I desire to submit a request for unanimous consent. When the naval appropriation bill (H. R. 28812) was under consideration there was a provision relative to allowing 50 per cent increase of pay for a certain number of officers who qualify as aviators and actually fly. During the debate it was stated that we would endeavor to keep the two services on a parity. The Army bill at that time provided for a 50 per cent increase, and it was so provided in the naval bill. Since then, in conference, the Army bill has been modified, and as the conference report was adopted last night it provides for an increase of 35 per cent instead of 40 per cent. The House passed the naval bill, allowing an increase of 50 per cent for the Navy, and the Senate did not change the text. I ask unanimous consent of the House to have that matter corrected in conference, so that we may make it 35 per cent increase instead of 50 per cent increase.

Mr. MANN. That is to carry out the understanding that we had at the time the bill passed?

Mr. PADGETT. Yes; and made on the floor. I said that I would endeavor to keep it the same in the naval service as in the military service.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the conferees be permitted to change the 50 per cent increase to 35 per cent in the item relating to aviators in the naval bill. Is there objection? [After a pause.] The Chair hears none.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had agreed to the report of committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to bill of the following title:

H. R. 28180. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 27148) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1914, and for other purposes, and further insisted upon its amendment No. 26, disagreed to by the House of Representatives; had agreed to the amendment of the House to the amendment of the Senate No. 25; had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BOURNE, Mr. PENROSE, and Mr. BANKHEAD as the conferees on the part of the Senate.

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

H. R. 28858. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1913, and for prior years, and for other purposes.

## PENSIONS.

The SPEAKER laid before the House the bill H. R. 27475, a bill granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors in the Civil War, with Senate amendments.

The Senate amendments were read.

Mr. RUSSELL. Mr. Speaker, I move that the House concur in the Senate amendments.

The Senate amendments were concurred in.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 28282) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of the Civil War, with Senate amendments, and I move that the House concur in the Senate amendments.

The SPEAKER laid the bill before the House.

The Senate amendments were read.

The SPEAKER. The gentleman from Missouri moves to concur in the Senate amendments.

The motion was agreed to.

## RIVERS AND HARBORS APPROPRIATION BILL.

Mr. SPARKMAN. Mr. Speaker, I present a conference report on the bill H. R. 28180, the rivers and harbors bill, and I ask

unanimous consent that the statement be read in lieu of the conference report.

The SPEAKER. If there be no objection, the statement will be read in lieu of the report.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1607).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 8, 11, 14, 22, 26, 28, 33, 38, 48, 49, 53, 57, 64, 66, 69, 77, 78, 79, 92, 120, 121, 122, 123, 124, 126, 133.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 10, 13, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 27, 29, 30, 31, 32, 36, 37, 45, 46, 51, 52, 55, 58, 60, 61, 62, 63, 65, 67, 70, 72, 73, 74, 75, 80, 81, 82, 84, 85, 86, 87, 88, 89, 90, 91, 94, 96, 97, 98, 99, 101, 103, 104, 106, 108, 109, 110, 111, 112, 114, 116, 117, 118, 119, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In the proposed amendment strike out the words "or city shall," and insert in lieu thereof the words "and city"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following: " ; completing improvement of the channel up to the Main Street Bridge in accordance with the report submitted in House Document No. 1333, Sixty-first Congress, third session, \$235,700; in all, \$235,700"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed restore the sum stricken out, and in the first line of the amended paragraph strike out the word "Continuing," and insert in lieu thereof the word "Completing"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In the sixth and seventh lines of the language proposed, strike out the words "that the appropriation of \$100,000 therein contained, namely," and at the end of the language proposed strike out the period and insert a colon and the following: " : Provided further, That nothing in this act shall be construed as relieving the said Florida East Coast Railway Company from the obligation of complying with the terms of its contract heretofore entered into with the United States"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: After the word "session" insert the words "and subject to the conditions therein specified," and in lieu of the sum of "\$1,100,000" insert "\$900,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"Improving Houston Ship Channel, Tex.: The Secretary of War may enter into a contract or contracts for, or construct, two suitable dredging plants, to be used for the maintenance of the channel when completed under the existing contract authorized by the act approved June 25, 1910, to be paid for out of any unexpended balances of appropriations heretofore made or authorized, together with such additional appropriations as may from time to time be made by law, not to exceed in the aggregate \$200,000: Provided, That a like amount of \$200,000, or so much thereof as may be necessary, being one-half of the estimated cost of said dredging plants, be contributed and furnished by the Harris County Ship Channel Navigation District, to be expended in connection with the \$200,000 herein authorized to be appropriated for the purchase or construction of said dredging plants: Provided further, That before letting the contract for the construction of each dredging plant or beginning the work of its construction, said navigation district shall place to the credit and subject to the order of the Secretary of War,

in a United States depository to be designated by him, the sum of \$50,000, and shall satisfy him that the remainder of one-half of the cost of said dredging plant will be deposited in like manner from time to time as called for by him."

And the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In the proposed amendment, before the words "C. B. Comstock," insert the word "General"; and the Senate agree to the same.

Amendments numbered 42 and 43: That the House recede from its disagreement to the amendments of the Senate numbered 42 and 43, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Improving Brazos River, Tex.: Continuing improvement from Old Washington to Waco by the construction of locks and dams heretofore authorized, \$250,000; continuing improvement and for maintenance by open-channel work from Velasco to Old Washington, \$25,000; in all, \$275,000."

And the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In the proposed amendment, before the words "C. B. Comstock," insert the word "General"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Improving White River at Devall Bluff, Ark.: Completing improvement in accordance with the report submitted in House Document No. 1259, Sixty-second Congress, third session, and subject to the conditions therein specified, \$8,000."

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following:

"Improving harbor at Arcadia, Mich.: For maintenance, including repair of the north pier, \$20,000."

And the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: In lieu of the language proposed, insert the following:

"Improving Clinton River, Mich.: For maintenance, \$10,000."

And the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "\$24,000, of which amount not exceeding two-thirds may be expended for the improvement of that portion of said river above and to the westward of Ogden Street Bridge, in accordance with the report submitted in House Document No. 419, Fifty-sixth Congress, first session"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "which shall be considered extraordinary emergency work, and which may be done, in the discretion of the Secretary of War, by hired labor or otherwise, and without regard to limitation of hours"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: " ; completing improvement in accordance with plan No. 1 in report submitted in House Document No. 1309, Sixty-second Congress, third session, \$208,786; in all, \$243,786"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: After the word "Oregon," in the language proposed to be inserted, insert the following: "in accordance with the report submitted in House Document No. 13, Sixty-second Congress, first session," and omit the semicolon after the word "interest"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: After the word "channels," in the second line of the language proposed, in lieu of the word "for" insert the word "or," and in the

third line, in lieu of the word "improved" insert the word "made"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Lynn Harbor and Saugus River, Mass., with a view to providing a channel 15 feet deep up to the bridge at East Saugus"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: After the word "Creek" insert the word "Norfolk"; and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In lieu of the word "Pollocksville" insert the word "Pollocksville"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Key West, Fla., for a harbor of refuge and a safe anchorage for vessels"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: After the word "Bay," where it first occurs, insert the word "Florida"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following: "Ohio River above the dam at Louisville, Ky., with a view to protection against overflow caused by Government work"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the word "twenty-five" insert the word "twenty-one"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: After the word "River" insert the words "California and Arizona"; and the Senate agree to the same.

Amendment numbered 115: That the House recede from its disagreement to the amendment of the Senate numbered 115, and agree to the same with an amendment as follows: After the word "River," where it first occurs, insert the word "California"; and the Senate agree to the same.

Amendment numbered 125: That the House recede from its disagreement to the amendment of the Senate numbered 125, and agree to the same with an amendment as follows: In lieu of the language proposed insert the following:

"SEC. 8. That the Secretary of War is hereby authorized to receive from private parties such funds as may be contributed by them to be expended in connection with funds appropriated by the United States for any authorized work of public improvement of rivers and harbors whenever such work and expenditure may be considered by the Chief of Engineers as advantageous to the interests of navigation."

And the Senate agree to the same.

Amendments numbered 127, 128, 129, 130: That the House recede from its disagreement to the amendments of the Senate numbered 127, 128, 129, 130, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"SEC. 9. That in the preparation of projects under this and subsequent river and harbor acts, unless otherwise expressed, the channel depths referred to shall be understood to signify the depth at mean lower low water in tidal waters, and the mean depth during the month of lowest water in the navigation season in rivers and nontidal channels, and the channel dimensions specified shall be understood to admit of such increase at the entrances, bends, sidings, and turning places as may be necessary to allow of the free movement of boats."

And the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: In lieu of the numeral "13" insert the numeral "10"; and the Senate agree to the same.

Amendment numbered 132: That the House recede from its disagreement to the amendment of the Senate numbered 132, and agree to the same with an amendment as follows: In lieu of the numeral "14" insert the numeral "11"; and the Senate agree to the same.

S. M. SPARKMAN,

JOS. E. RANSDELL,

GEO. P. LAWRENCE,

*Managers on the part of the House.*

KNUTE NELSON,

WILLIAM ALDEN SMITH,

F. M. SIMMONS,

*Managers on the part of the Senate.*

#### STATEMENT.

The managers on the part of the House at the conference of the disagreeing votes of the two Houses on the amendments of the Senate to 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, submit the following written statement explaining the effect of the action agreed on:

The rivers and harbors bill as it passed the House carried cash appropriations in the sum of \$37,112,958 and continuing contract authorizations amounting to \$3,760,000, a total for the House bill in cash and authorizations of \$40,872,958. The amount added by amendment in the Senate was \$8,157,787, of which \$4,921,987 was in cash appropriations and \$3,235,800 in continuing contract authorizations, making the total of the bill as it passed the Senate \$42,034,945 in cash and \$6,995,800 in continuing contract authorizations, a total of \$49,030,745 for the bill. As a result of the conference the amount involved in the Senate amendments has been reduced from \$8,157,787 to \$6,995,936, a net reduction of \$1,161,851, making the total of the bill as it now stands \$47,868,894.

The following statement shows the action taken by the conference on each of the Senate amendments:

No. of amendment.	Page of bill.	
1	1	Bass Harbor Bar, Me. Item adopts new project and appropriates \$10,000 for completion. The House conferees receded from disagreement.
2	2	Deer Island Thoroughfare, Me. Item adopts new project and appropriates \$40,000 for completion. The House conferees receded from disagreement.
3	2	Carvers Harbor, Vinalhaven, Me. Item adopts new project and appropriates \$16,000 for completion. The House conferees receded from disagreement.
4	2	Pepperells Cove, Me. Item appropriates \$63,400 for completion of project as recommended by the engineers. The House conferees receded from disagreement.
5	2	Medomak River, Me. Senate amendment increases House item from \$8,500 to \$17,000, and provides for completion of project. The House conferees receded from disagreement.
6	3	Harbor at Plymouth, Mass. Item adopts new project and appropriates \$83,500 for completion on condition that local interests contribute a like amount. The House conferees receded from disagreement.
7	4	Block Island Harbor of Refuge, R. I. Item appropriates \$50,000 for continuing improvement as recommended by the engineers. The House conferees receded from disagreement.
8	4	Point Judith Harbor of Refuge, R. I. Item provides for additional work recommended in H. Doc. No. 911, 60th Congress, 1st session, not heretofore authorized by Congress, and appropriates \$100,000 for continuing improvement. The House conferees receded from disagreement.
9	4	Providence River and Harbor, R. I. Item adopts new project and appropriates \$100,000 in cash and provides a continuing-contract authorization for \$827,800 for completion, on condition that the State or municipal authorities shall have expended \$2,000,000 for public terminals, or other public harbor improvements, before any work of harbor improvement shall be done by the United States north of Fields Point. The House conferees receded from disagreement after a slight verbal amendment to correct an error.
10	5	New Haven Harbor, Conn. Item adopts new project estimated to cost \$202,000 and appropriates \$80,000 toward prosecuting the same. The House conferees receded from disagreement.
11	5	Connecticut River, Conn. Item proposed to grant the Connecticut River Co. the right to relocate its "Enfield Dam," and certain other privileges. The House conferees receded from this amendment.
12	11	Harbor at Flushing Bay, N. Y. Item adopts new project and appropriates \$235,700 for completion. The House conferees receded from disagreement.

No. of amendment.	Page of bill.		No. of amendment.	Page of bill.	
13	12	New York Harbor, N. Y. Item authorizes the Secretary of War to make rules and regulations for the navigation of Ambrose Channel. The House conferees receded from disagreement.	32	29	Channel between St. Johns River, Fla., and Cumberland Sound, Ga. Item adopts new project and appropriates \$50,000 cash and provides a continuing-contract authorization for \$51,000 for completion. The House conferees receded from disagreement.
14	14	East River, N. Y. Item provided that so much of the amount appropriated in the House bill for improving East River and Hell Gate as may be recommended by the Chief of Engineers and approved by the Secretary of War may be expended within the limits of the project heretofore adopted by Congress in securing a depth of not to exceed 35 feet in the through channel of East River and not to exceed 30 feet elsewhere. The Senate receded from this amendment.	33	30	Anastasia Island, Fla. Item provides appropriation of \$15,000 for protecting shore of Anastasia Island by groins. The Senate receded from this amendment, the House conferees contending that the work contemplated was not required in the interests of commerce and navigation.
15	14	Harlem River, N. Y. Item adopts new project, estimated to cost \$850,000, on condition that local or other interests shall furnish, free of cost to the United States, the necessary land for right of way, estimated to cost \$1,180,000, before any construction work shall be executed by the Federal Government, and appropriates \$5,000 to cover all preliminary work upon this project up to the time when free transfers of land and rights of way shall allow of commencement of construction work. The House conferees receded from disagreement.	34	34	Hillsboro Bay, Fla. Senate amendment reduced House appropriation of \$200,000 to \$100,000. The Senate receded from this amendment.
16	15	Hudson River Channel of New York Harbor, N. Y. Item adopts new project estimated to cost \$1,570,000 and appropriates \$200,000 in cash and provides a continuing-contract authorization for \$250,000 for prosecution of the improvement. The House conferees receded from disagreement.	35	31	Harbor at Miami (Biscayne Bay), Fla. Item amends provision in river and harbor act approved July 25, 1912, which appropriated \$100,000 for improvement on condition that no work be done on said project until the Secretary of War is satisfied that the portion of the work contemplated in this project to be done by the Florida East Coast Railway Co. will be promptly completed, by providing that no work shall be done by the United States on said project until the Secretary of War is satisfied that suitable terminal facilities will be provided as contemplated by paragraph 8 of the report of the Board of Engineers for Rivers and Harbors, as set forth on page 15 of House Document No. 554, Sixty-second Congress, second session. The House conferees receded from disagreement to this item after amendment specifying that the provision adopted should not be construed as relieving the Florida East Coast Railway Co. from the obligation of complying with its contract heretofore entered into for the execution of certain work at this locality.
17	16	Abscon Inlet, N. J. Item appropriates \$45,000 to keep channel open until completion of Government dredge heretofore authorized, on condition that local interests shall furnish \$50,000 to be used in prosecuting said improvement. The House conferees receded from disagreement.			
18	18	Woodbury Creek, N. J. Senate amendment increases House item from \$8,000 to \$38,000 and provides for completing improvement. The House conferees receded from disagreement.	36	32	Lake Crescent and Dunn's Creek, Fla. Item adopts new project and appropriates \$25,000 for completion on condition that no part of the money appropriated shall be expended for the purchase of right of way. The House conferees receded from disagreement.
19-20	19	Delaware River, Pa., N. J., and Del. Item strikes out the word "Laylor," in lines 20 and 21, and inserts in lieu thereof the word "Lalar." The House conferees receded from disagreement.	37	35	Channel connecting Mobile Bay and Mississippi Sound, Ala. Senate amendment appropriates \$20,000 and provides that not more than \$20,000 shall be paid for all rights claimed in and to Grants Pass, if utilized. The House conferees receded from disagreement.
21-22	19	Allegheny River, Pa. Item amends provision in House bill which provided that no part of the amount appropriated should be expended until the Secretary of War shall have received satisfactory assurances that the bridges forming unreasonable obstructions to the navigation of the Allegheny River at Pittsburgh will be modified as recommended by a board of engineer officers, by providing that the channel spans of the bridges will be widened. The House conferees receded from disagreement to amendment No. 21 making the proposed changes applicable to the channel spans only. The Senate receded from its amendment No. 22, which required that the channel spans should be widened instead of modified, which, in effect, would have nullified the entire provision.	38	36	Mouth of Yazoo River and harbor of Vicksburg, Miss. Senate amendment proposed to increase the amount provided in House bill from \$10,000 to \$60,000. The Senate receded from this amendment.
23	21	York Spit Channel, Baltimore Harbor, Md. Senate amendment increases House item from \$100,000 to \$305,250 and provides for completion of project. The House conferees receded from disagreement.	39	39	Channel from Galveston Harbor to Texas City, Tex. Senate amendment strikes out House provision appropriating \$200,000 for continuing improvement and maintenance, and adopts new project, appropriating \$500,000 cash and providing a continuing-contract authorization for \$1,100,000 for completion. The House conferees receded from disagreement with an amendment making the expenditure subject to the conditions specified in the report, and reducing the amount of continuing-contract authorization to \$900,000, making the total amount available for the work \$1,400,000, as recommended by the engineers.
24	22	Western Branch of Elizabeth River, Va. Item adopts new project and appropriates \$32,000 for completion. The House conferees receded from disagreement.	40	39	Houston Ship Channel, Tex. Item provides continuing-contract authorization of \$400,000 for construction of two dredging plants for maintenance of the channel when completed on condition that one-half the cost of said dredging plants be contributed and furnished by the Harris County ship channel navigation district. The House conferees receded from disagreement.
25	23	Harbor of Refuge at Cape Lookout, N. C. Item appropriates \$500,000 cash and provides a continuing-contract authorization for \$600,000 for prosecuting the project as recommended by the Chief of Engineers. The House conferees receded from disagreement.	41	40	Port Aransas, Tex. This amendment increases the amount to be appropriated from \$500,000 to \$600,000, and provides that \$100,000, or so much thereof as may be necessary, may be expended as part payment for the construction of a dredge to replace the United States dredge General C. B. Comstock, destroyed by fire. The House conferees receded from disagreement.
26	24	Cape Fear River at and below Wilmington, N. C. Item provides that not exceeding \$2,000 of the amount appropriated in the House provision may be used for providing a channel to and from quarantine station with a depth of water equal to project and depth of main river channel. The Senate receded from this amendment.	42-43	42	Waterways connecting Core Sound and Beaufort Harbor, N. C. Amendment provides that any part of amount appropriated in House provision and of amounts contributed by local interests, remaining unexpended after completion of project may be used in improving and enlarging the turning basin in front of the town of Beaufort. The House conferees receded from disagreement.
27	25	Winyah Bay, S. C. Senate amendment reduced amount appropriated by House bill from \$120,000 to \$65,000. The Senate receded from this amendment.	44	42	Brazos River, Tex., from Old Washington to Waco. Senate amendment strikes out the words "and commencing the construction of two additional locks and dams," and inserts in lieu thereof the words "and for an accurate instrumental survey of the river" and increases the appropriation in the House bill from \$250,000 to \$350,000. The House conferees receded from disagreement and agreed to the same with an amendment omitting the survey and providing an appropriation of \$250,000 for the construction of locks and dams heretofore authorized.
28	26	Archers Creek, S. C. Item amends paragraph providing for the improvement of Archers Creek in the river and harbor act approved July 25, 1912, which carried a condition providing that right of way 1,000 feet wide be furnished free of cost to the United States, by providing that the land required for the widening be donated to the United States free of cost, and that permission be given for the deposit of the dredged materials on adjacent lands free of cost to the United States. The House conferees receded from disagreement.	45	42	Mouth of Brazos River, Tex. This amendment increases the amount to be appropriated from \$25,000 to \$125,000 and provides that \$100,000, or so much thereof as may be necessary, may be expended as part payment for the construction of a dredge to replace the United States dredge General C. B. Comstock, destroyed by fire. The House conferees receded from disagreement.
29	27	Fancy Bluff Creek, Ga. Item adopts new project and appropriates \$8,000 for completion. The House conferees receded from disagreement.	46	42	Trinity River, Tex. Senate amendment omits authority provided in House bill for commencing the construction of two additional locks and dams, and provides only for the location of the same. The House conferees receded from disagreement.
30	28	Savannah River at Augusta, Ga. Item adopts new project and appropriated \$80,000 for completion on condition that the city of Augusta contributes a like amount. The House conferees receded from disagreement.	47	43	Arkansas River in front of the Crawford County Levee, Ark. Senate amendment appropriates \$30,000 for completion of improvement by protecting the north bank thereof in front of the Crawford County Levee, south of Van Buren. The House conferees receded from disagreement.

No. of amendment.	Page of bill.		No. of amendment.	Page of bill.	
47	44	White River at Devall Bluff, Ark. Item adopts new project and appropriates \$14,000 for completion on condition that local interests furnish free stumpage of brush therefor. The House conferees receded from disagreement with an amendment reducing the appropriation to \$8,000 and specifying that this appropriation shall be subject to the conditions set forth in the report.	65	62	Mississippi River and Leech River, Minn. Item adopts new project in connection with the reservoirs at headwaters of the Mississippi River and appropriates \$116,000 for improvement. The House conferees receded from disagreement.
48-49	45	Cleveland Harbor, Ohio. House item providing \$25,000 for maintenance was amended to provide \$70,000 for improvement and maintenance. The Senate receded from this amendment on being shown that the additional amount of \$51,000 for improvement was carried in the pending sundry civil bill.	66	62	Missouri River from Kansas City to Sioux City. Senate amendment strikes out House allotment of \$75,000 for such bank revetment as, in the judgment of the Chief of Engineers, may be in the interest of navigation. The Senate receded from this amendment.
50	46	Arcadia Harbor, Mich. Item appropriates \$20,000 for improvement and maintenance, including repair and reconstruction of the north pier. The House conferees receded from disagreement after amendment confining the work to that of maintenance and repair of pier.	67	62	Missouri River from Sioux City to Fort Benton. Senate amendment increases amount provided in House bill from \$150,000 to \$175,000 and provides that of this amount, because of present emergency, an amount not exceeding \$75,000 may be expended for such bank revetment above Elk Point as, in the judgment of the Chief of Engineers, may be necessary to extend and protect existing revetments and regulate channel flow in the interest of navigation. The House conferees receded from disagreement.
51-52	47	Manistee Harbor, Mich. This amendment increases the amount to be appropriated from \$246,000 to \$312,000 and provides for completion. The House conferees receded from disagreement.	68	63	San Diego Harbor, Cal. Senate amendment adopts new project, the same being in accordance with plan No. 3 in report submitted in House Document No. 1309, Sixty-second Congress, third session, which contemplated a depth of 40 feet on the bar and 35 feet in the harbor and provided \$388,637 for its completion. The House conferees receded from disagreement and agreed to the same with an amendment adopting plan No. 1 in said report, which contemplates a depth of 35 feet on the bar and 32 feet in the harbor and provides \$208,736 for completion. The additional depth contemplated in plan No. 3 is for the benefit of the Navy. Plan No. 1 is recommended by the engineers in the interest of commerce.
53	47	Harbor at Saugatuck and Kalamazoo River, Mich. Senate amendment increases appropriation in House bill from \$3,000 to \$8,000, and provides that \$5,000 of this amount may be expended for the extension eastwardly of the revetment along the north side of the cut connecting Kalamazoo River with Lake Michigan. The Senate receded from this amendment, the work contemplated being made the subject of investigation by a survey item in this bill.	69	65	Coos Bay, Oreg. Item proposes to authorize the Secretary of War to use moneys furnished by local interests for improvement of Coos Bay in accordance with a project adopted by Congress. The Senate receded from this amendment, which was practically a duplication of a part of the House item.
54	48	Clinton River, Mich. Item appropriates \$20,000 for improvement. The House conferees receded from disagreement with an amendment reducing the amount to \$10,000 and making its expenditure available for work of maintenance only.	70	66	Tillamook Bay and Bar, Oreg. Item provides \$100,000 cash and a continuing contract authorization for \$207,000 for completion of project heretofore adopted on condition that local interests furnish one-half the estimated cost of the improvement. The House conferees receded from disagreement.
55	48	Saginaw River, Mich., up to the mouth of the Tittabawassee River. Item appropriates \$100,000 for improvement. The House conferees receded from disagreement.	71-72	67	Willamette River above Oregon City, Oreg. Senate amendments increase amount provided by House bill from \$30,000 to \$40,000 and provide that of this amount not exceeding \$10,000 may be expended in construction of a revetment near Independence, Oreg., if, in the judgment of the Chief of Engineers, the same is necessary in the interest of navigation. The House conferees receded from disagreement after amendment providing that the work be executed in accordance with the report submitted in H. Doc. No. 13, 62d Cong., 1st session.
56	48	Menominee Harbor and River, Mich. and Wis. This amendment increased appropriation of \$10,000 in House bill to \$24,000 and provided that two-thirds of this amount may be expended for the improvement of that portion of the river above and to the westward of Odgen Street bridge. The House conferees receded from disagreement with an amendment requiring the work to be done in accordance with the report submitted in House Document No. 419, Fifty-sixth Congress, first session.	73	68	Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oreg. and Wash. Senate amendment increases amount provided in House bill from \$600,000 to \$1,200,000. The House conferees receded from disagreement.
57	50	Grand Calumet River, Ind. Item provides for a change in the location of the channel of this river through the lands of the Gary Land Co. and the Indiana Steel Co. The Senate receded from this amendment.	74	68	Columbia River and tributaries above Celilo Falls to the mouth of Snake River, Oreg. and Wash. Senate amendment increases amount provided in House bill from \$40,000 to \$60,000. The House conferees receded from disagreement.
58	56	Chicago River, Ill. Item directs the Secretary of War to report to the House all encroachments and obstructions in the Chicago River and all its branches, together with such encroachments as have been made in and along the lake front between Lincoln Park and the Indiana State line. The House conferees receded from disagreement.	75	68	Columbia River between Bridgeport and Kettle Falls, Wash. Senate amendment increases amount provided in House bill from \$25,000 to \$40,000. The House conferees receded from disagreement.
59	57	Mississippi River Commission. Item provides that levee construction shall be considered extraordinary emergency work which may be done, in the discretion of the Secretary of War, by hired labor or otherwise, and without regard to hours. The House conferees receded from disagreement and agreed to the same after verbal amendment.	76	70	Emergency appropriations. Existing balances of appropriations heretofore provided made available for allotment subject to recommendation by local officer and the Chief of Engineers. The House conferees receded from disagreement after two slight verbal amendments to correct errors.
60	57	Mississippi River Commission. Item places the mouth of the Yazoo River and harbor at Vicksburg under the jurisdiction of the Mississippi River Commission. The House conferees receded from disagreement.	77	71	Item authorizing report to Congress relative to the adoption of the continuing contract system, the prosecution of projects, upon methods of standardization of improvements, etc., and appropriating \$100,000 for such examination and report. The Senate receded from this amendment.
61	58	Mississippi River Commission. Item provides that \$100,000, or such sum as may be necessary, shall be expended for revetting and otherwise improving the right bank of said river at and near Helena, Ark., for the purpose of preventing a breach in the levee at that point, and for promoting the interest of navigation. The House conferees receded from disagreement.	78	72	Item authorizing a commission, to be known as the river regulation commission, of eight members, composed of four Cabinet officials, two Members of the Senate, and two Members of the House of Representatives, and appropriating \$500,000 for the expenses of such organization, its plans, and investigations relative to the uses of water for navigation and other purposes. The Senate receded from this amendment.
62-63	58	Mississippi River Commission. Senate amendments strike out House item extending the jurisdiction of the Mississippi River Commission over levee construction to Rock Island, Ill., and inserts provision for examination and survey from Cape Girardeau, Mo., to Rock Island, Ill., with a view to such improvements as will at the same time promote navigation, develop water power, and protect property adjacent to said river from damage by floods, consideration being given and recommendations made as to plans for cooperation by the localities affected; and for the purpose of such examination and for the building of such levees between said points upon the river in aid of navigation, as may be found necessary or desirable by the commission, and approved by the Chief of Engineers, the sum of \$200,000 is provided. The House conferees receded from disagreement.	79	74	Item renumbering section of House bill. The Senate receded from this amendment.
64	59	Mississippi River at St. Paul, Minn. Item directs the Secretary of War to enter into an agreement with the Municipal Electric Co., a public corporation of the State of Minnesota, for the purpose of utilizing the hydroelectric power developed by dam constructed in accordance with project submitted in House Document No. 741, Sixty-first Congress, second session, adopted in the river and harbor act approved June 25, 1910. The Senate receded from this amendment.	80	75	Survey items: In the case of the following items (being all for surveys) the House conferees receded from disagreement: Thomaston Harbor, Me. Harbor at Marion, Mass. Salem Harbor, Mass. Lynn Harbor and the Saugus River, Mass., with amendment.
			81	75	Malden River, Mass. Johnsons Creek, Bridgeport, Conn. Stamford Harbor, Conn.
			82	75	New York Harbor, N. Y., opposite anchorage grounds in upper bay. Westchester Creek, N. Y.
			83	75	Raccoon Creek, N. J. Leipsic River, Del.
			84	76	Blackwater River, Va.
			85	76	
			86	76	
			87	77	
			88	77	
			89	77	
			90	77	
			91	78	

No. of amendment.	Page of bill.	
		Survey items—Continued. In the case of the following item the Senate receded, a survey having been authorized in a previous act, report on which is now pending: Hampton Creek, Va.
92	78	In the case of the following items (being all for surveys) the House conferees receded from disagreement: Scotts Creek, Norfolk, Va., with amendment. Harbor at Saxis, Va. Trent River, N. C. Thoroughfare Bay, N. C. Jeremy Creek, S. C. Channel to East Pass from Apalachicola River, Fla. Canal from St. Johns River to Lake Beresford, Fla. Harbor at Key West, Fla. (with amendment). Mosquito Inlet, Fla. Waterway from Pensacola Bay, Fla., to Mobile Bay, Ala. (with verbal amendment). Pain Rock River, Ala. Licking River, Ky. Ohio River above dam at Louisville, Ky. (with amendment). Grand River, Mich. Black Lake Harbor, Mich. (after amendment limiting the proposed depth to 21 feet). Keweenaw Waterway, Mich. Pere Marquette River, Mich. Port Huron Harbor, Mich. Harbor of Minneapolis, Minn. Berkeley Harbor, Cal. Colorado River, Cal. and Ariz. (with verbal amendment). San Leandro Bay, Cal. Mokelumne River, Snodgrass Slough, and channels connecting the Sacramento River, Cal. (with verbal amendment). Nehalem Bay and River, Oreg. Willapa Harbor and Bar entrance. Lake River and Bachelors Slough, Wash. Apoon mouth of Yukon River, Alaska.
100	81	Items renumbering sections of House bill.
101	82	Senate receded from these amendments.
102	82	General provision authorizing the Secretary of War to receive and expend funds contributed by private parties toward river and harbor improvement. The House conferees receded from disagreement after amendment.
103	83	General provision authorizing the Secretary of War to rent Government dredges, the proceeds to be credited to the appropriations for improvement of the waterways affected. The Senate receded from this amendment.
104	83	General provision authorizing channel depth to be referred to mean lower low water instead of the mean low water, and authorizing increase of channel dimensions at entrances, bends, etc. The House conferees receded from disagreement after amendment.
105	83	Items renumbering sections of House bill.
106	83	The Senate receded from these amendments with necessary changes.
107	83	Provision authorizing the Secretary of Commerce and Labor to establish anchorage grounds for vessels in improved waterways. The Senate receded from this amendment.
116	86	
117	86	
118	86	
119	86	
120-124	87-91	
125	92	
126	92	
127-130	92	
131-132	93, 95	
133	94	

From the above statement it will be noted that the Senate conferees receded from all amendments which the House committee, through its chairman, agreed to have reported back to the House for its instructions in case the Senate conferees refused to recede from any or all of said amendments.

All of which is respectfully submitted.

S. M. SPARKMAN,  
JOS. E. RANSDELL,  
GEO. P. LAWRENCE,

Managers on the part of the House.

During the reading,

Mr. FOSTER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FOSTER. Are the amendments as numbered and read from the Clerk's desk the same as in the bill which passed the Senate?

The SPEAKER. The gentleman from Florida can answer that question.

Mr. SPARKMAN. They are.

Mr. FOSTER. They do not seem to correspond in the bill.

Mr. MOORE of Pennsylvania. The amendments have not been printed separately, have they?

Mr. SPARKMAN. Not separately from the bill.

Mr. FOSTER. They are numbered in the bill.

The SPEAKER. The last amendment read was No. 35, on page 31.

The Clerk completed the reading of the statement.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FOSTER. I should like to have the gentleman from Florida make a statement.

Mr. SPARKMAN. Mr. Speaker, the people and the commercial interests of the country, I think, are to be congratulated on

the fact that we are rapidly approaching a point in the proceedings here where this bill is to finally pass this body, and I hope to become a law. [Applause.]

It would be a great misfortune if this bill were to fail of becoming a law, as it would cause all work on projects now under improvement to stop, which in turn would result in great injury to the commerce of the country, besides adding much to the cost of the works. It may be said that this bill carries an unduly large sum of money.

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

Mr. SPARKMAN. In a moment I will yield. I admit that this bill is large as compared with some of our river and harbor bills, somewhat larger than I had hoped when we began its preparation; but to anyone who may desire to criticize it on that account I wish to say that if the amount is large, our necessities for the work it is to carry on are great, and no more important measure will pass Congress at this session. There is no more important work to the commerce of the country than the work for which these appropriations provide.

I have heretofore said the bill is not an unduly large one when compared with other measures. It is true that the last bill—the bill of 1912—was somewhat smaller than this, but that only provided for half the time this bill is to cover. Then again, we have had much larger river and harbor bills than the present.

Mr. COX. Has any river and harbor bill ever been any larger than this?

Mr. SPARKMAN. Yes; the bill of 1907 amounted to between \$80,000,000 and \$90,000,000, and that, too, following the bill of 1905, with only two years intervening. And when that fact is considered in connection with the further fact that this bill is to cover more than half the period that intervened between the bill of 1905 and 1907, it will readily appear that this is not an extravagant bill.

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

Mr. SPARKMAN. In a moment. I wish to say further that the commerce of the country has grown, and the necessities for these appropriations have increased in a greater ratio than have the appropriations themselves. In short, Mr. Speaker, if we take the growth and development of the commerce of the country as a criterion, our river and harbor bills have not been as large as they might have been. And yet I hope and believe we are now reaching a point, as I have said before, when we may reasonably expect these bills will grow less and less until they reach a satisfactory minimum.

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

Mr. SPARKMAN. Yes.

Mr. LEWIS. I hope the gentleman will understand in the questions I am going to ask that I have no desire to be personally offensive. I will ask the gentleman if he knows when this bill passes, with the others in prospect, what the aggregate expenditures of appropriations will be for the fiscal year 1914?

Mr. SPARKMAN. With all of the other bills that will pass this body and become laws?

Mr. LEWIS. Yes.

Mr. SPARKMAN. Mr. Speaker, I have not the figures before me, but I have understood that the aggregate will perhaps go beyond, a little beyond, the billion-dollar mark.

Mr. LEWIS. Is that as definite as the gentleman can make it?

Mr. SPARKMAN. That is about as definite as I can make it, as I have not the exact figures before me.

Mr. LEWIS. I will ask the gentleman this question: Does he know what the revenues of the Government will be in the year 1914?

Mr. SPARKMAN. Mr. Speaker, I do not know, but I have no doubt but that the revenues will be ample to meet all of the expenditures that this Congress will authorize.

Mr. LEWIS. May I ask the gentleman if he will yield me five minutes during the time allowed for consideration of this subject?

Mr. SPARKMAN. Certainly; I will be glad to do so.

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

Mr. SPARKMAN. Yes.

Mr. HARDWICK. I want to inquire of the gentleman whether this bill as finally submitted to the House contains any appropriation for the construction or repair of levees on the Mississippi River?

Mr. SPARKMAN. Yes; in a sense. There is a large sum of money appropriated for the lower Mississippi River. To be exact, \$6,000,000 are appropriated for the purpose of revetment work, some of which may be used for levee work, provided the Mississippi River Commission and the Chief of Engineers shall find that the construction or the repair of levees in a given case will be in the interest of navigation.

Mr. HARDWICK. That is exactly the point. In other words, as I understand it, this bill carries no appropriation either for construction or repair of levees on the Mississippi River, unless the Mississippi River Commission shall first decide that such construction is necessary in the interest of navigation?

Mr. SPARKMAN. The Mississippi River Commission and the Chief of Engineers.

Mr. HARDWICK. It is confined to that?

Mr. SPARKMAN. Yes.

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

Mr. SPARKMAN. Certainly.

Mr. COVINGTON. In line with the inquiry made by the gentleman from Georgia, is it not a fact that Senate amendment 61 goes further than the river and harbor legislation has ever gone in recent years in the recognition of a specific revetment project on the Mississippi River without any discretion to the Mississippi River Commission? That amendment reads:

*Provided further*, That of the amount herein appropriated, \$100,000, or such sum as may be necessary, shall be expended for revetting and otherwise improving the right bank of said river at and near Helena, Ark., for the purpose of preventing a breach in the levee by the caving of the bank at that point and for promoting the interest of navigation.

I am an advocate of river and harbor improvements. I believe this country ought to embrace the opportunity to enlarge the scope of its interstate commerce by waterways, but I am not one of those who, even for my own waterways, am willing to embark this country on the wild proposition that land subject to floods throughout the United States shall be reclaimed at the expense of the Federal Government on the basis of the misleading idea that it may be in the interest of navigation. I want to ask the gentleman, therefore, to answer my question.

Mr. SPARKMAN. Mr. Speaker, I do not understand it to go any further. Certainly it was not the intention of the conference committee that it should.

Mr. COVINGTON. Does it not take that particular revetment project at Helena, Ark., away from the discretion of the Mississippi River Commission and fix that locality as one where the levees must be improved whether the commission shall approve it or not?

Mr. SPARKMAN. No; it does not go quite to that extent. I would like to say to the gentleman that, in the first place, I do not favor these allotments. When, for instance, a lump sum is appropriated for the improvement of a stream, the amount to be expended as the engineers think best, I do not as a rule favor the allotment of a portion of that money by congressional action to a particular portion of the stream. I think that a bad practice. Some years ago that was a very common practice, but in more recent years we have been trying to get away from it, so that the last three or four bills have not, I believe, carried such items. This amendment, however, was placed in the bill in the Senate, and it was found very difficult, if not impossible, to eliminate it and get the bill out of conference. Now, if the gentleman will pardon me for just a moment—

Mr. MOORE of Pennsylvania. Will the gentleman yield at that point?

Mr. SPARKMAN (continuing). I sympathize with the gentleman's views upon it, and I want to say that I would be one of the last Members of this House—

Mr. COVINGTON. I believe that—

Mr. SPARKMAN. To favor the indiscriminate building of levees or the building of levees anywhere or in any manner for the sole protection of private property. I think that is not one of our functions and is beyond our jurisdiction.

Mr. COVINGTON. Let me ask one more question. Is not this the first time that there has been taken away from the Mississippi River Commission the issue of fact as to a particular location which it does or does not regard as a necessary place for levee-improvement work?

Mr. SPARKMAN. The gentleman places a construction upon this amendment I do not believe the phraseology justifies, but I will answer by saying that in years gone by it was the practice on the Mississippi River for Congress, in providing a lump sum for the improvement of the river, to specify places where certain amounts should be spent at given points up and down that stream. As I said a moment ago, we have been trying to get away from that custom, because it is a practice I do not believe in myself.

Mr. COVINGTON. The construction the chairman puts on that matter is different from mine. He also certainly knows that in recent years no such practice has obtained.

Mr. SPARKMAN. Just a moment. I will further say to the gentleman and to the House that the Government is already doing revetment work there, and the Senator who offered the amendment, thinking, no doubt, that it was not going on fast,

enough, has sought to hasten it, but I think the provision is sufficiently guarded. It says—but first let me explain.

If the gentleman will read further back in that paragraph, he will find the qualification to which I called attention a while ago, that no money can be expended for the building of revetments, for the construction or repair of levees, except such work is found to be in the interest of navigation. Now, bearing that in mind, I will read the proviso:

*Provided further*, That of the amount herein appropriated, \$100,000, or such sum as may be necessary, shall be expended for revetting and otherwise improving the right bank of said river at and near Helena, Ark., for the purpose of preventing a breach in the levee by the caving of the bank at that point and for promoting the interest of navigation.

Now, the work already undertaken there, as well as the allotment, is based upon the theory that the construction or the repair of this levee is in the interest of navigation. The whole paragraph shows this very conclusively.

Mr. COVINGTON. Now, as a matter of fact, is not the primary purpose of the expenditure of this money to repair and rebuild the levees at and near Helena, Ark., and thereby safeguard from occasional floods the land at that locality, and not to create and preserve the channel at that place on the Mississippi River?

Mr. SPARKMAN. I think not. It is not the intention of this House—

Mr. COVINGTON. It is not the intention of this House to permit such specific designation for Mississippi River levee work. I agree to that.

Mr. SPARKMAN (continuing). Nor of our committee, if my friend will permit me. Of course, we leave the expenditure to the discretion of the Mississippi River Commission and the Chief of Engineers, taking it for granted that they will not abuse that discretion, and I do not believe they will. It is understood that confining the waters in the river within narrow limits is, to a certain extent, in the interest of navigation, because it prevents, to some extent, the washing of the river banks into the stream and also reduces cut-offs and the making of new channels, which might, and doubtless would, interfere very materially with navigation. Now, as to the details, I understand that when the Mississippi River Commission thinks it advisable to spend money at a given place they usually arrange with parties and localities interested upon a basis for participation, the extent of this participation varying, of course, in proportion to the navigable interests to be conserved. Of course, private property may be benefited, but the Government only looks to the interests of commerce and navigation.

Mr. COVINGTON. Now, then, Mr. Speaker, how much was carried in the river and harbor bill of 1912, the act that was approved July 25, 1912, for similar purposes on the Mississippi River?

Mr. SPARKMAN. Six millions of dollars, as I remember.

Mr. COVINGTON. Six millions of dollars in that bill?

Mr. SPARKMAN. Not solely for that purpose.

Mr. COVINGTON. There is carried in this bill for a similar purpose another \$6,000,000?

Mr. SPARKMAN. That is correct.

Mr. COVINGTON. The last preceding bill, the act of 1912, carried \$5,000,000 or \$6,000,000?

Mr. SPARKMAN. Not so much as that. About three and one-half or four millions of dollars.

Mr. COVINGTON. About \$4,000,000 as it finally came back from the Senate and became law. What is to-day the tonnage on the Mississippi River below St. Louis?

Mr. SPARKMAN. Well, it is perhaps small as compared with the amount of money that is being spent there.

Mr. COVINGTON. I would like to ask if the chairman can tell me what all the tonnage is on the Mississippi River below St. Louis.

Mr. SPARKMAN. I have it here, stated in this way: Between Cairo and Memphis, 1,857,616 tons; between Memphis and Vicksburg, 1,910,854 tons; and between Vicksburg and New Orleans, 2,426,376 tons; making in all more than 5,000,000 tons of commerce for the last fiscal year.

Mr. MOORE of Pennsylvania. For what year?

Mr. SPARKMAN. For the fiscal year 1911.

Mr. COVINGTON. Now, Mr. Speaker, the result of that policy is that, theoretically for navigation, but, as I contend, really for so-called land reclamation, there has been appropriated in the last three years \$15,000,000 for the Mississippi River to safeguard commerce of less than 4,000,000 tons annually. Is not that correct?

Mr. SPARKMAN. No. I said upward of 5,000,000 tons there.

Mr. COVINGTON. In other words, more than \$1 per ton has been expended in the last three years in order theoretically to create and maintain adequate channels on the Mississippi for that tonnage?

Mr. EDWARDS. The gentleman loses sight of the fact that it is not the only commerce there affected, but the commerce of a great section of country is affected. The commerce does not go down the river, but the freight rate is affected.

Mr. COVINGTON. I want to be perfectly fair with the gentleman. I do not purpose to object to the passage of this bill. But I do want to draw to the attention of this House at this time the scheme we are about to enter upon in order that they may more carefully safeguard in the future the Treasury in regard to a reclamation policy embodied in the river and harbor act. The Mississippi River is, I recognize, a national waterway project, but its varied problems ought to be in the hands of experts, and a senatorial raid on a river and harbor bill for a particular point ought to be impossible.

Mr. SPARKMAN. I sympathize with that idea, but I want to say—

Mr. HOBSON. I would like to ask the gentleman a question.

Mr. SPARKMAN. Just let me finish.

The SPEAKER. Does the gentleman from Florida [Mr. SPARKMAN] yield to the gentleman from Alabama [Mr. HOBSON]?

Mr. SPARKMAN. In just a moment I will. I think this is a very important subject on which the gentleman from Maryland [Mr. COVINGTON] has touched. But I want to say to him that we are not now embarking upon that policy. Whatever embarkation has taken place was begun many years ago. We are only at this time following up that policy, for the Congress began to make these appropriations some 30 years ago. About three years ago we embarked in earnest on the policy of revetting the banks of the Mississippi River. We thought then it would cost about \$90,000,000, and we expected to complete it in about 20 years. Now it is estimated that it is going to cost a good deal more than ninety millions.

Mr. COX. How much more, does the gentleman think?

Mr. SPARKMAN. Perhaps \$156,000,000 or \$157,000,000, or something like that. At least, the estimates reach those figures.

Mr. HAMILTON of Michigan, Mr. AUSTIN, and Mr. HOBSON rose.

The SPEAKER. To whom does the gentleman from Florida [Mr. SPARKMAN] yield?

Mr. SPARKMAN. I do not yield to anybody just yet. I want to finish the statement I am making.

There is a way to treat this great problem outside of the river and harbor bill.

All the great political parties of the country have committed themselves to the improvement of the lower Mississippi; in fact, the entire Mississippi River. Have segregated it, so to speak, from among the other rivers of the country, placing it in a class by itself. Now, the thing to do is to treat it separately; in a separate measure, where all interests may be considered and an equitable basis for participation by localities and private parties provided.

Now, right here and in this connection I wish to speak of another matter. The charge is made and reiterated from time to time and from year to year that these rivers and harbors bills are "pork-barrel" measures; that they are framed and the appropriation distributed so as to gain votes. This charge I have combated before, as have others, but apparently without effect. Still I will say again that the appropriations are not made or distributed on any such basis, or for any such purpose. No appropriation was placed in the bill by the House committee or by the House except upon a project with estimates by the engineers, and no appropriation has been made except it was shown to be in the interest of commerce and navigation. If there is any politics back of these bills and the appropriations they carry, it begins with the conventions of the national parties, where in each one for the past several years they have committed themselves not only to the improvement of the Mississippi River and to the expenditure of these large sums of money upon it, but also to the most liberal policy toward river and harbor improvement generally. Now, I suppose these declarations and committals are made for the purpose of influencing voters, but this all comes from the strong and irresistible sentiment in favor of that class of work. If there were no demand for river and harbor work, there would be no platform declarations in favor of it. To that extent perhaps there is politics in it, but no further.

Mr. AUSTIN. Was not the Democratic platform stronger than any other platform on this subject?

Mr. SPARKMAN. Oh, it was strong; quite strong. I will tell you what ought to be done with this—

Mr. COVINGTON. Should it not be treated on a separate bill?

Mr. SPARKMAN. Yes; as I have just said, in a special bill reported to this House, and the proposition put square up to the

Members, all of whom are committed by their party platform to that class of improvement. Let them say whether or not they want to do it. It is going to cost several hundred million dollars, but if the parties mean what they say, then Congress will act; will find the money. But let us do it in a separate bill, outside of the rivers and harbors bill.

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

The SPEAKER. Does the gentleman yield?

Mr. SPARKMAN. Yes.

Mr. HOBSON. I want to ask the chairman, in connection with the investigations as to the improvement of the Mississippi River, whether the present status of engineering projects for the protection against inundation is satisfactory? I have in mind particularly a proposition for a second line of levees—back, removed from the first—which apparently would be built only in certain places to guarantee protection from the overflows that come with the increasing rise of the river.

Mr. SPARKMAN. I will say to the gentleman that I think every conceivable plan has been considered by the engineers, and they have never hit upon any better plan, in their judgment, than that which they are pursuing now for protection against floods, and that is a single line of levees on the flood side, whichever it may happen to be, and broad enough and high enough to keep the waters from going over.

Mr. HOBSON. Keeping it in its own narrow bed?

Mr. SPARKMAN. Yes. Now I will yield to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Speaker, I withdraw the point of order.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] withdraws his point of order.

Mr. MOORE of Pennsylvania. I have one or two questions that I wanted to ask of the gentleman from Florida. The proposition to take over the Government control of water power, as it appeared in the Connecticut River dam bill, has been entirely eliminated from this bill and from the report?

Mr. SPARKMAN. Yes.

Mr. MOORE of Pennsylvania. Also in the case of the upper Mississippi River?

Mr. SPARKMAN. Yes; that has also been eliminated.

Mr. MOORE of Pennsylvania. The Newlands general reclamation proposition has also been eliminated?

Mr. SPARKMAN. Yes; it, too, has gone out.

Mr. MOORE of Pennsylvania. So that the drainage of swamp areas and the irrigation of arid lands and the reclamation features have been taken out of the purview of the committee for the present?

Mr. SPARKMAN. Yes.

Mr. MOORE of Pennsylvania. Now, as to the question raised by the gentleman from Maryland [Mr. COVINGTON] with regard to the Mississippi River appropriation, I want to ask whether the Senate amendment No. 59, relating to the expenditure of money on the Mississippi River for the construction of levees, "to be considered only as emergency work," stands?

Mr. SPARKMAN. Yes. It was embodied in the bill last year, and now the same provision is carried in this bill.

Mr. MOORE of Pennsylvania. Then, so far as the House is concerned, and the Senate, by the conference report, the Rivers and Harbors Committee does not yet take over to itself the control of water power?

Mr. SPARKMAN. It has not yet done so. I think that is a matter that ought to be thrashed out on this floor in a separate measure, not in a river and harbor bill.

Mr. MOORE of Pennsylvania. The committee has not committed itself on that policy? That is open for further consideration?

Mr. SPARKMAN. It is.

Mr. MOORE of Pennsylvania. Now, as to the construction of levees: During the discussion of the bill in the Committee of the Whole the gentleman will recall reference was made to the manner in which the bill was drawn; that it provided an appropriation of \$6,000,000 for the construction of levees on the Mississippi River without regard to whether it was to be considered emergency work or not. The bill came into the House in that form.

Mr. SPARKMAN. That is correct.

Mr. MOORE of Pennsylvania. That is to say, that whereas the bill of 1912 provided that \$6,000,000 should be appropriated for the purpose of rebuilding levees along the Mississippi River in view of the floods that had devastated the lower Mississippi River, therefore in the bill of 1913 \$6,000,000 should be appropriated for the construction of levees without regard to whether floods occurred or not. That was the manner in which the bill came into the House, was it not?

Mr. SPARKMAN. That is, in a measure, correct; but only a small part will likely go for levees.

Mr. MOORE of Pennsylvania. Now, the Senate amendment restored the emergency clause, and induced the committee to bring back a bill which provides that the \$6,000,000 appropriated this year, \$12,000,000 altogether for the two years, shall still be regarded as emergency work. Is that correct?

Mr. SPARKMAN. That is correct. The reason the House did not insert the provision that appeared in 1912 was because we thought the emergency had passed, but since that time there has been another flood and another break in the levees below Cairo and we deemed it proper to regard the work as emergency work.

Mr. MOORE of Pennsylvania. Then, so far as this legislation is concerned, we are still not committed to the policy of constructing levees along the Mississippi as a permanent proposition?

Mr. SPARKMAN. We are not.

Mr. MOORE of Pennsylvania. The committee has kept itself free in this instance with reference to the water power, and kept itself free from the proposition of constructing levees as a permanent duty of the Government.

Mr. SPARKMAN. That is correct.

Mr. MOORE of Pennsylvania. I want to commend the committee for its protection of the committee and the House.

Mr. SPARKMAN. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman has 30 minutes.

Mr. SPARKMAN. I yield to the gentleman from Mississippi [Mr. HUMPHREYS] five minutes.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, in answer to the gentleman from Pennsylvania I will say that for many years Congress has appropriated money for the construction of levees on the lower Mississippi. The language carried in the bill this year is identical with the language carried in all the other bills, and we have proceeded all along on the theory that this was emergency work. In other words, that the 8-hour law did not apply.

Now, last year the Supreme Court of the United States decided that this was not extraordinary emergency work in contemplation of the 8-hour statute. Therefore, when Congress made the appropriation of \$6,000,000 we provided that that should be considered extraordinary emergency work, and for that reason relieved from the contemplation or limitation of the 8-hour law. That is all it did mean.

And so in this bill as it has come back from the Senate the same provision applies. My opinion of it is that the 8-hour limitation ought never to have applied, but the Supreme Court decided otherwise.

Mr. MANN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. We have just remodeled the 8-hour law.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. MANN. Did it not contain some provision on this subject?

Mr. HUMPHREYS of Mississippi. It did not except this work.

Mr. MANN. I thought it did.

Mr. HUMPHREYS of Mississippi. There was one bill which did, but later that exception was repealed.

Mr. MANN. I thought it was accepted in conference.

Mr. HUMPHREYS of Mississippi. Now, in answer to the gentleman from Maryland [Mr. COVINGTON] I want to quote for his benefit the Democratic platform on which he was elected to Congress and also the gentleman from Indiana [Mr. COX].

Mr. COX. Was the gentleman from Mississippi a member of the platform committee that wrote it?

Mr. HUMPHREYS of Mississippi. No; I was not.

Mr. COX. Did not the gentleman have something to do with it, or with getting it in?

Mr. HUMPHREYS of Mississippi. If I had written it, I would have made it even stronger.

Mr. COX. Then perhaps I would not have accepted it; I would not have stood for it.

Mr. HUMPHREYS of Mississippi. But the gentleman was elected on that platform and he will have to stand for it.

Mr. COX. We can repudiate a platform before we are elected, and the gentleman does not know but that I repudiated it on this point before I was elected.

Mr. HUMPHREYS of Mississippi. I will read the platform:

We hold that the control of the Mississippi River is a national problem. The preservation of the depth of its water for the purpose of navigation, the building of levees to maintain the integrity of its channel, and the prevention of the overflow of the land and its consequent devastation, resulting in the interruption of interstate commerce, disorganiza-

tion of the mail service, and the enormous loss of life and property impose an obligation which alone can be discharged by the General Government.

[Applause.]

Mr. MOORE of Pennsylvania. Will the gentleman read the plank in the Republican platform?

Mr. HUMPHREYS of Mississippi. I have not time; but the plank in the Republican platform declares for the same thing, and the plank in the Progressive platform declares for the same thing.

Mr. MANN. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I yield.

Mr. MANN. In reference to the labor proposition, the conference report which has just been agreed to in the Senate and will be agreed to in the House on the eight-hour bill contains this provision:

*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 the construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States.

Mr. HUMPHREYS of Mississippi. I am delighted to hear that. That report has come in within the last few minutes, and I hope it will be agreed to.

Now, whatever construction other gentlemen may have put upon the Democratic platform, I wish to read the construction put upon it and upon the obligations of the Democratic Party by a very distinguished Democrat of this country, who on day after to-morrow will become the President of the United States. [Applause.] I read from Gov. Wilson's speech accepting the nomination of the Democratic Party:

In the case of the Mississippi River, that great central artery of our trade, it is plain that the Federal Government must build and maintain the levees and keep the great waters in harness for the general use.

[Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. I only wanted to put into the Record, in reply to criticisms which have been made by Democrats touching appropriations for the lower Mississippi River, a statement of what the Democratic platform and the candidate who was elected on that platform said on the subject.

The SPEAKER. The gentleman's time is up.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 28490) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, disagreed to by the House of Representatives, disagreed to the amendment of the House to the amendment of the Senate numbered 132, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CURTIS, Mr. SMOOT, and Mr. SMITH of Maryland as the conferees on the part of the Senate.

#### RIVERS AND HARBORS APPROPRIATION BILL.

Mr. SPARKMAN. I yield to the gentleman from Illinois [Mr. FOSTER] three minutes.

Mr. FOSTER. Mr. Speaker, I have listened to the reading of the report as agreed to by the conference on the disagreeing votes of the two Houses on the rivers and harbors bill and notice scarcely any amendment placed on this bill by another body carrying appropriation but what has been agreed to by the managers on the part of the House. There are many items on this bill, in my judgment, that should have been stricken out, as it seems but a useless waste of money to attempt to improve a lot of rivers and harbors which will never afford any commerce whatever—at least so small as to be of no advantage to the people. It was hoped when this bill had passed the House and gone to another body that there these items might have been stricken from the bill and that all the money necessary for the proper improvement of rivers and harbors would have been provided and a good many million dollars saved to the Treasury of the United States. I am not opposed to reasonable appropriations for the improvement of rivers and harbors, and believe it is the duty of a Government to make ample provision to carry on this work, but I am opposed to the useless expenditure of millions of dollars that can be of no advantage to the people and for rivers that can never be made navigable to an extent as to be of any value to the people. When this bill was under consideration in the House many items were attempted to be stricken from the bill, but the effort proved unsuccessful, and so the bill now about to be enacted into law carries nearly \$50,000,000 to improve the rivers and harbors besides the

amount carried in the sundry civil bill, which will add \$10,000,000 or \$12,000,000 more. There were some legislative matters placed on this bill by another body which I am pleased to say were stricken out. Much objection of those living along the coasts has been made to the appropriation for the Mississippi River. Sometimes those who live along the coasts of the country have the idea—or, at least, it appears their vision reaches but little beyond the improvements that are made in their particular locality. They forget that out in the interior of the country and especially in the great Mississippi Valley which lies between the Alleghanies and the Rocky Mountains, there is a large extent of our country—I think the most fertile in the world—which produces thousands and hundreds of thousands and millions of tons of produce that must go to feed those people who live along the coast and afford a large part of their commerce, and without the exchange of products they would be unable to exist. And yet when we talk of an appropriation to take care of a great national problem like the Mississippi River men raise their voices and their hands in holy horror, for fear the National Government will be bankrupted because it is helping to control the floods of the Mississippi River. [Applause.]

For years and years, almost since the foundation of the Government, we have been improving rivers and harbors along the coast; and I am not objecting to that, Mr. Speaker, because I want to see our harbors along the coast properly improved, in order that they may take care of the commerce that comes from the interior of our country. But we who live a thousand miles or more from here feel that the National Government owes something to us in our struggles to take care of a problem which all political parties have declared to be a national problem. So I do not believe our friends along the coast of New England, or wherever they may come from, ought to find fault with us for asking some help, that this national problem may be looked after by the National Government. [Applause.]

**THE SPEAKER.** The gentleman from Florida promised to yield five minutes to the gentleman from Maryland.

**MR. SPARKMAN.** I will in just a moment. I now yield five minutes to the gentleman from Massachusetts [Mr. LAWRENCE]. [Applause.]

**MR. LAWRENCE.** Mr. Speaker, I believe that it will be in the public interest for the House to agree to this conference report. When the river and harbor bill was sent to conference the House will remember that the attention of its conferees was directed to seven Senate provisions to which they were instructed not to yield unless especially authorized by the House to do so. The merit of the different propositions was not especially called into question; but it so happened that they were all matters which had received more or less attention in the Senate, but had never been discussed in the House. One of those provisions was of great concern to me personally, for it affected my district. It was the so-called Connecticut River dam bill, which would have given the cities of Springfield and Holyoke the greatly needed benefits of navigation. But, Mr. Speaker, I recognized that that provision, carrying with it the adoption of a great national policy, was entitled to receive here in the House the fullest consideration. There was no time for the House to act upon amendments, and I became convinced that if it remained in the bill in the form that it passed the Senate it would be fatal to it. Consequently, that provision has gone out. It is only fair, however, to say that the project itself met with no criticism, and its adoption by Congress at an early date is assured. The other provisions to which the attention of your conferees was called had never been considered in the House, and every one of them has gone out of the bill.

In addition, your conferees were successful in getting the Senate to recede upon some items which violated our rules requiring favorable reports from the engineers, and we were able to reduce the amount of the bill a little more than \$1,000,000. We do not present the bill as a perfect production, but it is a carefully considered piece of legislation, and I believe I am justified in unhesitatingly asking Members of this House to endorse the action of their conferees.

Mr. Speaker, I would now like to add just a brief personal word. Since I made the announcement a year ago that I would not be a candidate for reelection, my colleagues upon both sides of the aisle have said so many gracious and generous things, in public and private, about me that I wish to express my very deepest appreciation. The fact that I have not merited all that has been said has not interfered in the slightest degree with my enjoyment of it. [Laughter.]

I will confess that I am shameless to that degree. I have been a Member of the House for about 15 years. I think the man must be hopeless who is not broadened and rendered more patriotic by such service. If there was about me when I came here any suggestion of sectionalism, and I presume there might

have been, every vestige of it has been eliminated. [Applause.] And as I have sat here in this Congress under one of the best and fairest Speakers that this House has ever had [applause], and as I have worked with my colleagues upon the other side of the aisle I confess that it has been pretty difficult to keep myself up to the point of believing that he and they were a menace to the Republic. [Applause.]

My first service in this House was upon the Committee on Elections No. 1. One of the first matters that came before us was the contested-election case of a bright, good-looking young man from Alabama, named OSCAR W. UNDERWOOD. I was one of those who after hearing the evidence voted to keep Mr. UNDERWOOD in his seat. An interesting memory in connection with this is that another member of the committee who also voted to keep Mr. UNDERWOOD in his seat is no less a personage than the distinguished and very effective minority leader, the gentleman from Illinois [Mr. MANN]. [Applause.] In spite of radical differences as to the tariff I think there will be general agreement to the proposition that we thereby rendered a great public service. [Applause.]

I ask nothing in return for my action upon that contested-election case, but if the gentleman from Alabama feels that he must destroy the industries in my district during the coming extra session, I hope he will at least display all of the gentleness and tenderness of which his nature is capable. [Laughter and applause.] I shall not speak in detail of my service here during 15 interesting and eventful years. Perhaps some time I shall write a book about it. That is everybody's privilege. All I wish now to say is that I shall leave the House on the 4th of March with, as you all must know, the greatest affection and good will for my colleagues on both sides of the aisle and with entire respect for their patriotic purpose. [Applause.]

**MR. SPARKMAN.** Mr. Speaker, I yield four minutes to the gentleman from Maryland [Mr. LEWIS].

**MR. LEWIS.** Mr. Speaker, I hope the more experienced Members of this House will not smile at the simplicity of my remarks. I asked the chairman of this committee if, in giving over \$48,000,000 to rivers and harbors, he had considered or had any knowledge of the aggregate appropriations to be made at this session. Of course he had not. I asked him, again, if he had any knowledge of the total amount of the aggregate revenues of the fiscal year 1914, from which those appropriations were to be paid. He confessed that he had not. We are in a situation, then, in the House of making appropriations for the year—how much we know not—and of drawing upon a future public fund for their payment the amount of which we have no idea. While I freely admit that there may be conditions when appropriations must be made in ignorance of forthcoming revenues, appropriations that are absolutely necessary to conduct the operations of this Government, I wish to say that it is only the poorest wisdom, the lowest self-restraint, the slightest sense of responsibility to our great constituencies which could permit us to appropriate hundreds of millions of dollars for purposes condemned by the best public thought and certainly not absolutely necessary, when we knew not what the revenues would be or whether they would be adequate to pay this draft. We have reached in this country a very serious condition. Every man, woman, and child under the probable appropriations of this session will be taxed some \$12 apiece in the coming year for the maintenance of this Government—\$1,200,000,000 of appropriations, \$60 for every head of a family in the Republic, and this particular bill constitutes a large proportion of that sum. I say to the House that we ought to realize that we are dipping our hands into the pay envelope of every workman in this country and taking out some \$5 a month from their hard-earned compensation. If gentlemen of the House are willing to do that, in the simplicity of my nature I am not willing to follow them. I hope that further action on this bill will be suspended until somebody on the floor can tell us how much we are going to tax the great American public, and can tell us, at least with prospective vision, how much money is going to be in the Treasury to pay the tax. Only one institution on earth can break into the Treasury of the United States, and that is this body, and every one of us is paid \$7,500 a year not to do it. I trust we may prove loyal to the country that pays and honors us so liberally. [Applause and cries of "Vote!"]

**MR. SPARKMAN.** Mr. Speaker—

**THE SPEAKER.** The gentleman only has five minutes left.

**MR. SPARKMAN.** According to my understanding, I have 11 minutes.

**THE SPEAKER.** The gentleman has five minutes.

**MR. SPARKMAN.** Mr. Speaker, I move the previous question, then.

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

**THE SPEAKER.** The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. SPARKMAN, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

**MR. SPARKMAN.** Mr. Speaker, I ask permission to extend my remarks in the RECORD.

**THE SPEAKER.** Is there objection to the request of the gentleman from Florida? [After a pause.] The Chair hears none.

**MR. HUMPHREYS** of Mississippi. Mr. Speaker, I make the same request.

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

#### GENERAL DEFICIENCY APPROPRIATION BILL.

**MR. FITZGERALD.** Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 28858, the general deficiency appropriation bill, to disagree to the Senate amendments, and ask for a conference.

**THE SPEAKER.** The Clerk will report the bill by title.

The Clerk read as follows:

A bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913 and prior years, and for other purposes.

**THE SPEAKER.** The gentleman from New York asks unanimous consent to take this bill from the Speaker's table, to disagree to the Senate amendments, and ask for a conference.

**MR. BUCHANAN.** Mr. Speaker, I ask to have the amendments read.

**MR. MANN.** Mr. Speaker, reserving the right to object, would the gentleman be willing to let the House have a separate vote on amendments numbered 1 and 53?

**MR. FITZGERALD.** What are they?

**MR. MANN.** Amendment numbered 1 is the one which increases the salary of the Secretary to the President from \$6,000 to \$7,500 after the 4th of March, and amendment numbered 53 is the one which proposes to appropriate for an extra month's salary for the employees of the House and Senate.

**MR. FOSTER.** Would the gentleman be willing to take a roll call on that proposition?

**MR. MANN.** I would be willing to have a roll call on the two propositions combined.

**MR. FITZGERALD.** I hope the gentleman will let the bill go to conference, and probably there will be an opportunity to vote on some of these amendments, just which I do not wish to predict; but it is important, as the gentleman can realize, that at this stage of the session the bill go to conference.

**MR. MANN.** Well, I think that is true, but, on the other hand, it seems to me there never will be a better occasion than now for the Democratic Party and Democratic Members to swallow all the professions they made a year ago in reference to the salary of the Secretary to the President. A year ago we were told that the Democrats in the House would never consent to continue the salary of the Secretary to the President at \$7,500 beyond the 4th of March. That was agreed to as a compromise.

**MR. CANNON.** Will the gentleman from New York [Mr. FITZGERALD] yield to me for a minute?

**THE SPEAKER.** The other gentleman from Illinois [Mr. MANN] has not finished.

**MR. FITZGERALD.** He was asking me a question.

**MR. MANN.** I want to see whether the Democrats of the House were honest in their professions—I do not mind personally—a year ago, before the election, or whether their professions then were purely hypocrisy.

**MR. ADAIR.** Will the gentleman yield?

**MR. MANN.** Certainly.

**MR. ADAIR.** I would state to the gentleman from Illinois that one year ago there was one Democrat on this side who believed that the Secretary of the President should have a salary of \$7,500 a year, and voted accordingly.

**MR. MANN.** Well, there were very few. This side of the House at that time was quite willing to continue the salary of the Secretary to the President, whether the President be Republican or Democrat, at \$7,500 a year. That side of the House insisted on making an amendment placing the salary at \$6,000 a year, and as a compromise in the end the salary was fixed at \$6,500 a year until March 4, 1913, and then fixed at \$6,000 thereafter. Now, did you mean it? Will you stick to it? Was it hypocrisy or are you honest?

**MR. FITZGERALD.** Mr. Speaker, I have not had an opportunity to examine the amendments proposed to the deficiency bill by the Senate.

**MR. MANN.** I have. The gentleman has not been as busy as I have been.

**MR. FITZGERALD.** Oh, yes; I have been quite as busy. I have been in conference with the Senate.

**MR. MANN.** I am not criticizing the gentleman.

**MR. FITZGERALD.** I have been in conference with Senate conferees since 10 o'clock this morning, and this bill passed late last night. I have not a copy of the amendments, but I have the original bill in my hand. There are 68 Senate amendments, and if the gentleman asks at this time to have a separate vote on two, and some other gentleman insists on finding out whether somebody else was honest by having a separate vote on some other amendments, this bill will never go to conference, because it will take all the time from now until adjournment to vote on these separate amendments.

**MR. MANN.** Well, I do not think the course I have suggested is unusual. It is quite the contrary. It is the common experience on these amendments that the gentleman desires to send to conference to have this vote.

**MR. FITZGERALD.** At this particular time I should ask this side of the House to disagree to all of the Senate amendments, whether the vote be taken upon them singly or en bloc. What might transpire within the next 24 or 48 hours I shall not predict.

**MR. MANN.** All I ask is that the gentleman will permit a separate vote on these two propositions. It will not take very long.

**MR. FITZGERALD.** How many others wish separate votes?

**MR. MANN.** Do not encourage them. Do not ask them.

**MR. FITZGERALD.** I am not going to encourage them.

**MR. MANN.** Nobody has asked for a separate vote. Does the gentleman desire to have somebody else do so?

**MR. FITZGERALD.** I wish to ascertain whether there are others. If there is to be an avalanche of them, I shall not consent to them unless I am compelled to do so.

**MR. ADAIR.** What other propositions besides the Secretary's salary and the extra salary of employees?

**MR. MANN.** I asked if the gentleman would consent to a separate vote on the Senate amendment which reads as follows:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of February, 1913, including the Capitol police, the official reporters of the Senate and House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the third session of the Sixty-second Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available.

**MR. FITZGERALD.** Well, Mr. Speaker, I will say for the conferees that that amendment will not be agreed to, and unless the Senate recedes it will come back to the House in disagreement.

**MR. MANN.** I am quite willing to ask also for a separate vote on the first amendment.

**MR. FITZGERALD.** As to the other amendment, not knowing the reasons or the motives which actuated the Republican Senate in increasing the compensation of an efficient Democratic official about to take office, before I commit myself on it I should be delighted to have an opportunity to listen to them.

**MR. MANN.** Well, I do not think a Republican Senate ought to be fixing the salaries of Democratic officials.

**MR. LONGWORTH.** Does the gentleman mean to insinuate that the pressure brought upon the Senate to increase that salary was tumultuous? [Laughter.]

**MR. MANN.** I beg my friend not to make another remark like that. [Laughter.] Does the gentleman from New York consent to a separate vote?

**MR. FITZGERALD.** Mr. Speaker, I ask unanimous consent—

**MR. CANNON.** Mr. Speaker, will the gentleman yield to me five minutes?

**MR. FITZGERALD.** I have not any time. I am making a request for unanimous consent.

**MR. CANNON.** Then I will ask consent for five minutes.

**THE SPEAKER.** The gentleman from Illinois [Mr. CANNON] asks unanimous consent to address the House for five minutes? Is there objection?

There was no objection.

**MR. CANNON.** Mr. Speaker, the reduction of the salary of the Secretary to the President from \$7,500 to \$6,000, to take effect on the 4th of March, soon to be here, and the refusal of the extra month's pay to the employees of the House and Senate of this Congress, to close on the 4th of March, all done last year in the name of economy, did not change a vote in the United States for or against the contesting parties.

Now, I would be very glad of an opportunity, inasmuch as that is all behind us, to vote on the merits of these two propositions. The Secretary to the President is a busy man. The salary will be \$6,000 after the 4th of March if this amendment is not

agreed to, or \$7,500 if we agree to the Senate amendment. In addition to that, the Secretary to the President has the use of an automobile, furnished with chauffeur and all, as he ought to have, because of his great duties. Whoever is President, that ought to be the case. It is a labor saver, and, in the presence of an expenditure of over a thousand million dollars, it is false economy to deny it.

For many, many years at each session of Congress the employees of the House and Senate have received a month's extra pay. They have not received it during this Congress. They ought to have received it. They have earned it. [Applause.] And notwithstanding this is a Democratic House and practically a Democratic Senate—or worse than a Democratic Senate [laughter]—their employees ought to have it. It is simply even-handed justice to the public servants, and long before another presidential election shall come around the whole transaction will have been forgotten.

I would be glad as one Member of the House to vote. I am perfectly willing to vote now. Perhaps it would save time if we could have a vote now upon the second proposition and also upon the first, because the second proposition, covering a month's extra pay for the employees of the House and Senate, embracing a larger number of men who have performed service on small salaries, in the main, without an extra month's pay, appeals to me quite as much as the other, although one costs a good deal more than the other. My observation is that the people of the United States, great, rich, powerful, do not care so much about the amount of the expenditures as they care about the fact as to whether or not the expenditures are properly made for service performed. [Applause.]

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to take this bill from the Speaker's table, disagree to all the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. FITZGERALD. I will modify the request and except Senate amendment numbered 1.

Mr. BUCHANAN. I object to the request.

The SPEAKER. What is it that the gentleman objects to?

Mr. BUCHANAN. I object to excepting the one.

The SPEAKER. Is it the exception, or the gentleman's request?

Mr. BUCHANAN. It is the exception.

Mr. MANN. I suggest to the gentleman from New York [Mr. FITZGERALD] that he make his request.

Mr. FITZGERALD. Mr. Speaker, I move to suspend the rules.

Mr. MANN. No.

Mr. FITZGERALD. I ask unanimous consent to take the bill from the Speaker's table and disagree to all the Senate amendments.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to take this bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, I offer a privileged motion.

The SPEAKER. The gentleman from Illinois [Mr. MANN] offers a privileged motion, which the Clerk will report.

The Clerk read as follows:

That in the opinion of the House the managers on the part of the House should agree in conference to the substance of the Senate amendment numbered 1.

Mr. FITZGERALD. Mr. Speaker, does the gentleman from Illinois wish an' time?

Mr. MANN. Not except to state what the amendment is; that is all.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 18787, relating to the limitation of hours of daily service.

#### GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. I will yield five minutes to the gentleman.

Mr. MANN. I shall only read the amendment, Mr. Speaker. Amendment numbered 1 is as follows:

To make the salary of the Secretary to the President at the rate of \$7,500 per annum from March 4, 1913, to June 30, 1914, inclusive, \$3,312.50, and hereafter said salary is fixed at the rate of \$7,500 per annum.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Illinois [Mr. MANN] made the statement that he desired to ascertain whether this side of the House was honest when it fixed the compensation of the Secretary to the President. The gentle-

man may have overlooked the fact that something has happened since the last session of Congress that may have affected some gentlemen; but I think I can give a history of this matter which will somewhat clear up the situation.

About two sessions ago the Secretary to the President requested that certain changes be made in the compensation of the personnel of the White House force. He requested certain increases of compensation to be allowed in the legislative bill, in order to obtain what were termed high-grade men. It was stated that it was not intended to use the money to increase the compensation of gentlemen then employed. Upon that understanding the Committee on Appropriations reported the legislative bill with the recommendations requested. When the bill went to the Senate, the Senate modified it by increasing the compensation of the Secretary of the President to \$10,000 a year. There was a severe controversy over the matter. There was activity on the part of certain high officials to have the House agree to that amendment. Finally, as a compromise, enough votes were obtained to fix the compensation at \$7,500. Subsequently, instead of appointing new officials in the White House to take the positions for which the increased compensation had been fixed, promotions were made in the then existing force; so that the money, appropriated for the purpose of obtaining a different class of men, was used to increase the compensation of the existing force. There was a natural resentment at such treatment of the House, and at the last session of the Congress the House endeavored to undo what it believed had been done in violation of an agreement between those representing the executive force and the House, and it insisted on cutting down the compensation of the Secretary to the President.

Since that action was taken, the President elect has announced the name of the gentleman who is to occupy that position under the next administration. A Republican Senate, familiar with his career, knowing his effective work as Secretary to the President elect during the two years he has been governor of New Jersey, realizing the conditions under which the compensation was fixed at \$6,500 from the 4th of March, believing that the compensation to be paid to this official whom they know, whose name has been announced, should be \$7,500, and the Republican side of the House, through its recognized leader, apparently acquiescing in that situation, and asking the House to concur in this amendment of the Senate, so far as I am concerned, knowing this gentleman personally, and how efficient he is, I am prepared to unite with the gentleman from Illinois and with the Republican Senate in fixing this compensation at such a figure as in the judgment of our political opponents he is entitled to receive.

Mr. MANN and Mr. CANNON rose.

The SPEAKER. To whom does the gentleman yield?

Mr. FITZGERALD. I yield to both gentlemen.

Mr. MANN. Mr. Speaker, this side of the House has believed in having a capable man as Secretary to the President and has been quite willing to pay a reasonable salary. That side of the House has all the time insisted for several years that the salary ought not to be more than \$6,000, and under the Holman rule it adopted an amendment fixing the salary at \$6,000 in the legislative bill passed a year ago. In conference it was finally agreed to make the salary \$7,500 until the 4th of March.

There has been no change in the situation, except the fact that the gentlemen on that side of the House now realize that in asking for patronage, in seeking for jobs, in hunting for places under the incoming administration, they will be forced to meet face to face with the Secretary of the President, and most of them have already turned tail and run to cover on the question of the increase of his salary. I wish to ask for a division on this vote, and I hope that this side of the House on the division will remain in their seats and let the Democratic side of the House express itself, at least on the division. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I may say to the gentleman from Illinois that this side of the House, according to his opinion, will enjoy during the next four years a privilege that many of that side have not enjoyed during the last four years. They at least will be able to meet the Secretary to the President, if not the President himself.

Mr. MANN. That is an unkind and unjust fling. They never will have a better secretary than the present Secretary to the President. [Applause on the Republican side.] And if we can judge by what the papers say, they are not likely to have so good a one.

Mr. FITZGERALD. I was not referring to the personality of any individual; I had in mind the atmosphere that was not so pleasing to gentlemen on the other side of the House.

Mr. CANNON. Will the gentleman yield me two minutes?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. CANNON. Mr. Speaker, I offer the following amendment to the amendment.

Mr. FITZGERALD. Mr. Speaker, I do not yield to the gentleman to offer an amendment until I hear what it is.

Mr. CANNON. But the gentleman yielded me two minutes.

The SPEAKER. The gentleman yielded for debate.

Mr. FITZGERALD. The gentleman can have his amendment read in his time.

The SPEAKER. When the Member in control of time yields for debate, he does not yield for an amendment.

Mr. FITZGERALD. The gentleman from Illinois stated that he wanted two minutes, and I yielded.

Mr. CANNON. Very well, Mr. Speaker; they may return my amendment.

The SPEAKER. The gentleman can have it read in his time.

Mr. CANNON. No; if I can not move for business, I do not care to move for buncombe. [Laughter.]

Mr. BUCHANAN. Mr. Speaker, I desire to have the gentleman yield me some time.

Mr. FITZGERALD. How much does the gentleman want?

Mr. BUCHANAN. Five minutes.

Mr. FITZGERALD. I yield to the gentleman from Illinois five minutes.

Mr. BUCHANAN. Mr. Speaker, I am always in favor of an employee of the Government securing compensation in accordance with the services he renders. I am pleased to see the leader of the minority and the chairman of the Committee on Appropriations so cheerfully assisting in the prospect of securing an increase of salary to the Secretary of the President from \$6,000 to \$7,500. I do not desire to take issue with them. The services rendered in that position may be worth \$7,500.

But a few days ago a few of us who believed in those who render their services by the exercise of their physical powers, the mechanics working for the Government, endeavored to secure an appropriation in this House to pay the employees of the naval department in the navy yard in accordance with the award that had been given them for a 10 per cent increase. I regret that both of these gentlemen who now so cheerfully labor to secure this increase for the Secretary to the President obstructed the efforts of those who endeavored to have the Government comply with the obligation made to those workmen.

I would like to see gentlemen in the House be fair and treat all alike. Certainly they can not claim to be fair when they undertake to obstruct the employees from getting their just dues, employees who are earning their bread by the sweat of their brow. I feel constrained until there is some kind of an equal consideration for the employees of the Government and others who do manual labor to oppose this increase whether I am successful or not. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield two minutes to the gentleman from New Jersey [Mr. HAMILL].

Mr. HAMILL. Mr. Speaker, I was one of those who supported the proposition to increase the pay of the employees of the navy yard. Therefore I am peculiarly fitted to answer the remarks of the gentleman from Illinois [Mr. BUCHANAN], who has just taken his seat. I think it is most unwise to make reprisals upon one set of workmen because an injustice was done to another set of workmen. If the chairman of the Committee on Appropriations was unjust, or, rather, was mistaken in his action in not allowing an increase to be made to the employees of the navy yard, that is no reason why he should not be supported in this correct and admirable motion to recognize the dignity of the President's office and to pay his secretary a salary befitting his position and befitting his deserts.

Furthermore, I have always voted—and the RECORD will prove it, notwithstanding my colleagues may have opposed it—for every proposition that was made increasing the salary of the Secretary to the President, regardless of politics, and I will be sustained in holding that position to-day. I can personally and most decidedly assure the House that this particular secretary is certainly worthy of this increase. It would be an injustice to him to withhold it, and I hope the House will have the wisdom to vote the increase provided and authorized in the resolution of the gentleman from Illinois [Mr. MANN]. If Republicans realize the fairness of making the increase, Democrats—in fact the entire House—ought to support the proposition.

Mr. FITZGERALD. In reply to both gentlemen who are interested in increasing the compensation of certain employees of the Government—

Mr. BUCHANAN. I want to state that the increase had been awarded.

Mr. FITZGERALD. Mr. Speaker, I ask that I be not interrupted until I finish what I have to say. Gentlemen are

complaining because I antagonized on the floor amendments that were offered purporting to increase the compensation of certain employees of the navy yard at Washington. None of them would have effected the purpose designed by those who proposed the amendments.

In my capacity as a Member in charge of a bill on the floor I was compelled to antagonize amendments to change the bill. Everyone knows that frequently Members are compelled to oppose amendments to bills although they may favor the purpose to be accomplished.

The navy yard employees in Washington have not received their increase in compensation, because the Secretary of the Navy has declined in the discharge of his duties to carry out his obligations as the head of the Navy Department. If he had believed that the increase should have been made, all that it was necessary for him to do was to sign the order granting the increase, and then request the money to supply the deficiency that would have been occasioned as a result of that order. That word was sent to him—

Mr. ROBERTS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. No; I decline to yield. That word was sent to him from my office, and he desired me to make an agreement that if he in the discharge of his duties did something he was authorized to do, I would acquiesce in what he did and indorse what he did. I sent word back that I declined in advance to indorse the action of any official for any purpose; that when the matter came before the committee under proper conditions, in my capacity as chairman I would take such action as in my position I felt justified in doing. If these gentlemen have been unsuccessful in obtaining an increase to which they are entitled it can not be attributed to me.

Mr. ROBERTS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. I yield for a question.

Mr. ROBERTS of Massachusetts. I would like to ask the gentleman from New York if there is not a law forbidding heads of departments creating a deficiency by their own willful act?

Mr. FITZGERALD. There is a law which—

Mr. ROBERTS of Massachusetts. Mr. Speaker—

Mr. FITZGERALD. One moment. I want to answer the gentleman's question.

Mr. ROBERTS of Massachusetts. The gentleman has answered my question when he said there is a law.

Mr. FITZGERALD. And as I control the floor, I will answer the question myself and not permit the gentleman from Massachusetts to do it. There is no law which prohibits some deficiencies being created, and such deficiency as would have been created in this instance is one that is authorized under the law. If the Secretary, or whoever had charge of this matter, was familiar with the law, as he should be as the head of a great department of the Government, that would have been known to him.

Mr. ROBERTS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Mr. Speaker, I do not intend to be diverted any further from the subject under consideration. I yield two minutes to the gentleman from Indiana [Mr. COX].

Mr. COX. Mr. Speaker, the gentleman from Illinois [Mr. MANN], in his usual graceful way, has put up to our side of the House a question which we ought to answer. He has asked us on our side of the House if we were sincere when we heretofore stood for a reduction of this salary from \$10,000 to \$7,500 and then to \$6,000 per year, and up until this time I have not heard anyone on this side of the House rise in his seat and say that he was sincere when he was giving his vote to reduce this salary when the Republican Party was in control. I want to say that so far as I am concerned I was sincere when I voted against the increase before and I am going to vote against the gentleman's amendment. I have stood on the floor of this House, and I believe that the records will show in a consistent way and manner I have uniformly, by the use of points of order, raised my voice in protest against an increase of salary to individuals where I thought they were already drawing salary high enough, but in doing that I have tried to use judgment, I have tried to use discretion. I have never used the point of order to reduce an increase of salary, where, in my judgment, that salary was not high enough. The gentleman from Illinois has admonished his followers on that side to sit silent and not vote, and I presume they will mind him. I presume they will obey him like good and faithful children, as they should. It is still up to us, gentlemen, to say whether or not we have been playing buncombe in this thing. There is no

getting away from the proposition at all, and I hope that the gentleman's motion will be voted down.

Mr. FITZGERALD. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM. When this proposition was before the House the last time I voted for the proposed increase. I believed then that the man who was Secretary to the President occupied as responsible a place as the place I occupied on this floor, and that he was entitled to as much salary as I was receiving. I believe so still, and now that circumstances have changed, I do not propose to change the vote that I cast at that time. I think the Secretary to the President occupies a very responsible position. I think he ought to be a man at least as able as the average Congressman, and I think the duties he has to perform are as arduous and important as those of the average Congressman. I believe, therefore, that he ought to be as well paid. If \$7,500 per year is too much for him, it is too much for us. I shall, therefore, if I get an opportunity, vote now as I voted then, to increase the salary of the Secretary to the President to \$7,500 a year.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. GRAHAM. Certainly.

Mr. RUCKER of Colorado. The gentleman remembers I stood by his side and we voted together for the increase to \$10,000.

Mr. GRAHAM. I am glad the gentleman is still with me.

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. I yield five minutes to the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. Mr. Speaker, on a former occasion I assumed the great risk and danger of somewhat antagonizing my Democratic leader. I step over here now amongst you Republicans and run the hazard of admonishing you not to follow the direction of your leader. He has just said that when this question is put to a vote you ought to sit still and not vote. I want to appeal to you Republicans not to follow his advice, for if you do not vote here upon this floor in the next 48 hours God only knows when you will ever get a chance to vote in this House again. [Laughter and applause.] My colleague, the distinguished ex-leader and ex-Speaker [Mr. CANNON], is here vehemently speaking for increasing a salary from \$6,000 to \$7,500. In all the days when, with your tyrannous czarism, you presided over the House and these Republicans followed you, you Republicans were unable to appropriate more than \$150,000,000 for pensions, and we Democrats, before we have organized our Democratic Senate and before we have got our President inaugurated, have appropriated \$180,000,000. We know how to legislate. [Laughter and applause on the Republican side.]

We have reformed the rules of the House so that the people of this country can get action from their Representatives. Why, the gentleman from Illinois [Mr. Foss], who presided over the Committee on Naval Affairs on the Republican side for many years, was never able to get over \$123,000,000 for the Navy, and before our President comes into office we have got \$140,000,000 under our reformed rules, and we are legislating for the people on economical lines. [Laughter and applause on the Republican side.] We are going to demonstrate to the great ex-chairman of the Ways and Means Committee [Mr. PAYNE] that we can reduce the tariff and at the same time increase the appropriations. [Laughter and applause on the Republican side.] The people of this country drove you Republicans from power because you were incompetent and incapable of properly appropriating their money and caring for the great interests and industries of our country. I come over here on your side to console you. There sits my prohibition friend, BARTHOLDT, from Missouri [laughter], who was for years Republican chairman of the Public Buildings Committee, and he never was sufficiently capable to get a public buildings bill through the House over \$25,000,000, and we are about to raise you to the modest sum of \$40,000,000. Oh, do not go about chiding us for discarding our economy platform that said: We denounce the Republican Party's reckless and profligate expenditure of the people's money. That platform was made, like the Republican platform, to get into office on—and we have won. [Laughter and applause on the Republican side.]

The SPEAKER. The time of the gentleman has expired.

Mr. HAMILTON of Michigan. Mr. Speaker, I ask unanimous consent that the gentleman may proceed—

Mr. ROBERTS of Massachusetts. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. ROBERTS of Massachusetts. I rise to ask the gentleman from New York to yield me five minutes.

Mr. FITZGERALD. I yield two minutes to the gentleman from Indiana [Mr. BARNHART].

Mr. BARNHART. Mr. Speaker, I have heard it said that a school-teacher once asked her pupils, among other things of a historical nature, if they knew for what their Congressman was noted, and a hand came up from a ruddy-faced boy, "What is it, James?" the teacher inquired, and he said, "My papa says that our Congressman is noted for seed that won't come up and for argument that won't go down." Some of the arguments on this side of the House, it seems to me, if we follow them a short time, do not go down. From the time I came into this Congress, almost five years ago, I have heard the argument on this side of the House, and we have gone out into our campaigns advocating the theory that a good many men holding clerical positions in the Government are paid too much money. I never used that argument generally in my campaigns, but I have heard it on this side of the House again and again; and within the past year, as I recall, we voted for a reduction to \$6,000 salary for the President's Secretary after having heard the argument that he is afforded the largest possibility of any man in the United States for future employment. The argument has repeatedly been made here that the best and most skillful clerical men in the United States are anxious and willing and ready to take this position, and therefore we reduced the salary to \$6,000. But here we are within a year from that time, and a great many on our side agreeing with the Republicans that that salary ought to be raised to \$7,500.

I have never been a hairsplitter in the matter of adequate salaries for first-class men for the most important Government offices, but I merely stood up to say, Mr. Speaker, that the Republicans could here consistently paraphrase Kipling's "Recessional" into—

Lord God of hosts, be with them yet,  
Lest they forget, lest they forget.

The SPEAKER. The time of the gentleman has expired. [Laughter.]

The question is on the motion of the gentleman from Illinois [Mr. MANN] to instruct the conferees.

Mr. KAHN. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from California [Mr. KAHN] rise?

Mr. KAHN. I move that the gentleman from Indiana [Mr. BARNHART] be allowed to extend his remarks in the RECORD. [Laughter.]

Mr. FITZGERALD. Mr. Speaker, I move the previous question.

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

Mr. MANN. I demand a division.

Mr. JAMES. Mr. Speaker, I ask that the motion be reported again.

The SPEAKER. This is on the previous question.

Mr. MANN. I withdraw the demand.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the instructions—

Mr. JAMES. Mr. Speaker, I ask that the instructions may be reported. I would like to hear them.

The SPEAKER. The Clerk will read the instructions.

The Clerk read as follows:

That in the opinion of the House the managers on the part of the House should agree in conference to the substance of Senate amendment No. 1.

Mr. FITZGERALD. Mr. Speaker, I ask that the amendment be reported.

The SPEAKER. Without objection, the Clerk will report the amendment to which the motion applies.

The Clerk read as follows:

Amendment No. 1, page 2, after line 8, insert:

"To make the salary of the Secretary to the President at the rate of \$7,500 per annum from March 4, 1913, to June 30, 1914, inclusive, \$3,312.50, and hereafter said salary is fixed at the rate of \$7,500 per annum."

The SPEAKER. This motion of the gentleman from Illinois [Mr. MANN] practically instructs the conferees to agree to that amendment.

The question is on the motion of the gentleman from Illinois [Mr. MANN]. Those in favor of the motion will vote "aye" and those opposed will vote "no."

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 87, noes 49.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of the motion of instructions offered by the gentleman from Illinois [Mr. MANN] will, as their names are called, vote "yea" and those opposed will vote "nay."

The question was taken; and there were—yeas 196, nays 72, answered “present” 18, not voting 95, as follows:

## YEAS—196.

Adair	Draper	Hughes, W. Va.	Porter
Adamson	Driscoll, D. A.	James	Post
Ainey	Dupré	Johnson, Ky.	Pou
Alexander	Dwight	Kahn	Pray
Allen	Edwards	Kent	Pujo
Anderson	Esch	Kinkaid, Nebr.	Raker
Anthony	Estopinal	Kitchin	Randell, Tex.
Austin	Fairchild	Knowland	Rauch
Ayres	Farr	Kopp	Rees
Barchfeld	Fergusson	Lafean	Reilly
Bates	Flitzgerald	La Follette	Richardson
Blackmon	Flood, Va.	Lamb	Roberts, Mass.
Borland	Fornes	Langham	Roberts, Nov.
Bradley	Foss	Langley	Rodenberg
Brantley	Gallagher	Lee, Pa.	Rothermel
Broussard	Gardner, Mass.	Levy	Rouse
Browning	Gardner, N. J.	Linthicum	Rucker, Colo.
Bulkley	Gill	Littlepage	Scott
Burke, Pa.	Goeke	Lobeck	Scully
Burke, S. Dak.	Goldfogle	Longworth	Sharp
Burke, Wis.	Good	Loud	Sherley
Burleson	Goodwin, Ark.	McCall	Simmons
Burnett	Graham	McCoy	Smith, J. M. C.
Calder	Greene, Mass.	McDermott	Smith, Saml. W.
Campbell	Gregg, Pa.	McGillienddy	Sparkman
Cannon	Griest	McKellar	Speer
Cantrill	Guernsey	McKinley	Stanley
Carlton	Hamill	McLaughlin	Stedman
Carter	Hamilton, Mich.	McMorran	Stephens, Cal.
Cary	Hamilton, W. Va.	Maher	Sterling
Claypool	Hammond	Mann	Stone
Clayton	Hardwick	Martin, Colo.	Taggart
Conry	Harrison, N. Y.	Miller	Talcott, N. Y.
Cooper	Hart	Mondell	Taylor, Ala.
Copley	Hartman	Moore, Pa.	Thayer
Covington	Hawley	Moore, Tex.	Tilson
Crago	Hay	O'Shaunessy	Townsend
Cravens	Hayden	Palmer	Turnbull
Crumpacker	Hayes	Morgan, La.	Underhill
Davidson	Heald	Morgan, Okla.	Underwood
Davis, Minn.	Heflin	Murray	Vare
Davis, W. Wa.	Helgesen	Needham	Volstead
De Forest	Henry, Conn.	Neely	Warburton
Denver	Henry, Tex.	O'Shaunessy	Whitacre
Dickinson	Hinds	Palmer	White
Difenderfer	Holland	Patton, Pa.	Willis
Dodds	Howell	Pepper	Wilson, Ill.
Donohoe	Howland	Peters	Wilson, Pa.
Doremus	Hughes, Ga.	Pickett	Young, Mich.

## NAYS—72.

Barnhart	Ellerbe	Hull	Rucker, Mo.
Bartlett	Faison	Humphreys, Miss.	Russell
Bathrick	Foster	Jackson	Saunders
Beall, Tex.	Fowler	Jacoway	Sherwood
Bell, Ga.	Francis	Johnson, S. C.	Sims
Boehne	French	Kendall	Sisson
Buchanan	Garner	Lafferty	Small
Byrnes, S. C.	Garrett	Lever	Smith, Tex.
Byrns, Tenn.	Godwin, N. C.	Lloyd	Stephens, Miss.
Candler	Gray	Maguire, Nebr.	Stephens, Nebr.
Cline	Gregg, Tex.	Mays	Stephens, Tex.
Collier	Gudger	Moon, Tenn.	Taylor, Ark.
Cox	Hamlin	Murdock	Taylor, Colo.
Cullop	Hardy	Oldfield	Thomas
Daugherty	Harrison, Miss.	Padgett	Tribble
Dies	Helm	Rainey	Weber
Dixon, Ind.	Hensley	Roddenberry	Witherspoon
Doughton	Howard	Rubey	Young, Kans.

## ANSWERED “PRESENT”—18.

Andrus	Gould	Payne	Stevens, Minn.
Bartholdt	Green, Iowa	Plumley	Towner
Clark, Fla.	Hill	Powers	Woods, Iowa
Dalzell	Kennedy	Sabath	
Driscoll, M. E.	Lindbergh	Shackelford	

## NOT VOTING—95.

Aiken, S. C.	Focht	Littleton	Reybun
Akin, N. Y.	Fordney	McCreary	Riordan
Ames	Fuller	McGuire, Okla.	Sells
Ansherry	George	McKinney	Slayden
Ashbrook	Gillet	Macen	Slemp
Berger	Glass	Madden	Sloan
Booher	Greene, Vt.	Martin, S. Dak.	Smith, N. Y.
Brown	Harris	Matthews	Stack
Burgess	Haugen	Merritt	Steenerson
Butler	Higgins	Moon, Pa.	Sullivan
Callaway	Hobson	Morrison	Sweet
Curley	Houston	Morse, Wis.	Switzer
Currier	Humphrey, Wash.	Moss, Ind.	Talbott, Md.
Curry	Jones	Nelson	Taylor, Ohio
Danforth	Kindred	Norris	Thistlewood
Davenport	Kinkead, N. J.	Nye	Tuttle
Dent	Kongig	Olmsted	Vreeland
Dickson, Miss.	Konop	Page	Watkins
Dyer	Korby	Parran	Weeks
Evans	Lawrence	Patten, N. Y.	Wilder
Ferris	Lee, Ga.	Prince	Wilson, N. Y.
Fields	Lenroot	Prouty	Wood, N. J.
Finley	Lewis	Ransdell, La.	Young, Tex.
Floyd, Ark.	Lindsay	Redfield	

So the motion to instruct was agreed to.  
The Clerk announced the following pairs:

For the session:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. RIORDAN with Mr. ANDRUS.

Mr. CLARK of Florida with Mr. CURRY.

Until further notice:

Mr. LEE of Georgia with Mr. NYE.

Mr. LITTLETON with Mr. NORRIS.

Mr. MOSS of Indiana with Mr. OLMIESTED.

Mr. PAGE with Mr. PRINCE.

Mr. RANSDELL of Louisiana with Mr. PROUTY.

Mr. SMITH of New York with Mr. REYBURN.

Mr. TUTTLE with Mr. SELLS.

Mr. WATKINS with Mr. SLOAN.

Mr. WILSON of New York with Mr. SLEMP.

Mr. YOUNG of Texas with Mr. SWITZER.

Mr. LEWIS with Mr. TAYLOR of Ohio.

Mr. REDFIELD with Mr. WEEKS.

Mr. LINDSAY with Mr. WILDER.

Mr. STACK with Mr. WOOD of New Jersey.

Mr. KONIG with Mr. MATTHEWS.

Mr. KONOP with Mr. MERRITT.

Mr. KORBLY with Mr. NELSON.

Mr. KINKEAD of New Jersey with Mr. MARTIN of South Dakota.

Mr. JONES with Mr. MADDEN.

Mr. HOUSTON with Mr. MCKINNEY.

Mr. HOBSON with Mr. MCGUIRE of Oklahoma.

Mr. GEORGE with Mr. LAWRENCE.

Mr. FLOYD of Arkansas with Mr. HIGGINS.

Mr. FIELDS with Mr. HAUGEN.

Mr. FERRIS with Mr. HARRIS.

Mr. EVANS with Mr. GREENE of Vermont.

Mr. DENT with Mr. FULLER.

Mr. CALLAWAY with Mr. FOCHT.

Mr. DAVENPORT with Mr. FORDNEY.

Mr. BURGESS with Mr. BUTLER.

Mr. BROWN with Mr. CARY.

Mr. ANSBERRY with Mr. DANFORTH.

Mr. PATTEN of New York with Mr. BURKE of South Dakota.

Mr. CURLEY with Mr. AMES.

Mr. FINLEY with Mr. CURRIER.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. BOOHER with Mr. SULLOWAY.

Mr. GLASS with Mr. McCREARY.

Until March 3:

Mr. SLAYDEN with Mr. MOON of Pennsylvania.

The result of the vote was announced as above recorded; and the Speaker announced as the conferees on the part of the House Mr. FITZGERALD, Mr. BARTLETT, and Mr. CANNON.

## LIEN ON TAXES.

Mr. CLAYTON. Mr. Speaker, I move to take from the Speaker's table the bill H. R. 25780, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Chair lays before the House the following House bill, with a Senate amendment, which the Clerk will report.

The Clerk read the title of the bill, as follows:

An act (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] moves to disagree to the Senate amendments and ask for a conference. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker announced as the conferees on the part of the House Mr. CLAYTON, Mr. RUCKER of Missouri, and Mr. STERLING.

## OMNIBUS PUBLIC BUILDINGS BILL.

Mr. BURNETT. Mr. Speaker, I present the following conference report on the bill (H. R. 2876) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

The SPEAKER. The Clerk will read the conference report.

The Clerk read as follows:

## CONFERENCE REPORT (NO. 1625).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2876) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement

ment of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes, having met and conferred, have been unable to agree.

JOHN L. BURNETT,  
FRANK CLARK,  
J. G. ANDRUS,

*Managers on the part of the House.*

GEORGE SUTHERLAND,  
C. A. CULBERSON,  
F. E. WARREN,

*Managers on the part of the Senate.*

Mr. BURNETT. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

Mr. BURNETT. Mr. Speaker, I move to insist on the disagreement of the House to the Senate amendments and accede to the request of the Senate for a further conference.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (H. R. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] moves to further insist on the disagreement to the Senate amendments and accede to the further conference asked for by the Senate. The question is on agreeing to that motion.

The motion was agreed to; and the Speaker announced as the conferees on the part of the House Mr. BURNETT, Mr. CLARK of Florida, and Mr. ANDRUS.

#### PENSIONS.

Mr. RICHARDSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bills H. R. 27874, H. R. 28746, and the bill H. R. 28379, pension bills, with Senate amendments, and agree to the Senate amendments.

The SPEAKER. The Clerk will report the first one.

The Clerk read as follows:

An act (H. R. 2874) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Alabama [Mr. RICHARDSON] moves to concur in the Senate amendments. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the next one.

The Clerk read the title of the bill, as follows:

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

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The gentleman from Alabama [Mr. RICHARDSON] moves to concur in the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Clerk will report the next one.

The Clerk read the title of the bill, as follows:

An act (H. R. 28379) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The gentleman from Alabama [Mr. RICHARDSON] moves to concur in the Senate amendments. The question is on agreeing to that motion.

The motion was agreed to.

#### ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 28282. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 22326. An act to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1903; and

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

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 8375. An act to authorize the town of Okanogan, Wash., to construct and maintain a bridge across the Okanogan River;

S. 2504. An act to provide for the extension of New Hampshire Avenue, in the District of Columbia, on a straight line, and for other purposes;

S. 1142. An act to protect the monuments already erected on the battle fields of Bull Run, Va., and other monuments that may be there erected; and

S. J. Res. 164. Joint resolution stopping traffic and preventing interference with the suffrage procession.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

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

H. R. 28730. An act 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;

H. R. 27941. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1914;

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

H. R. 21724. An act to amend subchapter 2 of chapter 19 of the Code of Law for the District of Columbia.

#### EIGHT-HOUR LABOR BILL.

Mr. WILSON of Pennsylvania. Mr. Speaker, I present a conference report on the bill (H. R. 18787), known as the eight-hour labor bill, and I ask that the statement be read in lieu of the report.

The SPEAKER. The gentleman sends up a conference report on the eight-hour bill, and asks that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

#### CONFERENCE REPORT (NO. 1608).

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, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

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 2, and agree to the same with an amendment as follows: In lieu of the said amendment amend the bill as follows: Page 2, lines 10 and 11, strike out "which eight hours shall terminate within nine hours from beginning of workday"; and the Senate 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 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 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 rivers of the United States"; and the Senate agree to the same.

W. B. WILSON,  
FRANK BUCHANAN,  
*Managers on the part of the House.*

W. E. BORAH,  
B. PENROSE,  
BENJ. F. SHIVELY,  
*Managers on the part of the Senate.*

## 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 words "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: Strike out the words "terminate within nine hours from the beginning of workday," after the word "shall," in line 11, page 2, and insert the words "be continuous except for customary intervals for meals or rest." The effect of the amendment proposed by the conference is to continue the language of existing law.

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 which may be entered into under 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.

On motion of Mr. WILSON of Pennsylvania, a motion to reconsider the last vote was laid on the table.

## EULOGIES ON THE LATE VICE PRESIDENT SHERMAN.

Mr. FINLEY. Mr. Speaker, I move to take from the Speaker's table Senate concurrent resolution 41, relative to the eulogies on the late Vice President SHERMAN.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

## Senate concurrent resolution 41.

*Resolved by the Senate (the House of Representatives concurring),* That there shall be printed and bound, under the direction of the Joint Committee on Printing, 14,100 copies of the proceedings and the eulogies delivered in Congress on JAMES SCHOOLCRAFT SHERMAN, late Vice President of the United States, with illustration, of which 4,000 copies shall be for the use of the Senate, 8,000 copies for the use of the House of Representatives, 2,000 copies for the use of the Senators and Representatives of the State of New York, and 100 copies, bound in full morocco, for the use of Mrs. James Schoolcraft Sherman: *Provided,* That there shall be included in such publications the proclamation of the President and the proceedings in the Supreme Court of the United States upon the death of Vice President SHERMAN, and an account of the funeral services at Utica, N. Y.

The resolution was agreed to.

## PUBLICITY IN TAKING TESTIMONY.

Mr. NORRIS. Mr. Speaker, I call up the unfinished business under suspension of the rules, which is Senate bill 8000, providing for publicity in taking evidence under the act of July 2, 1890.

The SPEAKER. A second has been ordered on this.

Mr. NORRIS. Yes; a second has been ordered.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] is entitled to 20 minutes and the gentleman from California [Mr. KAHN] is entitled to 20 minutes.

Mr. MANN. I will ask gentlemen whether they expect to use all the time.

Mr. NORRIS. I will say that I shall not use more than two minutes, unless time is consumed on the other side. I do not know how much time they will consume. It may be necessary to consume all the time on this side. There is no disposition to do that, however, unless it is necessary.

Mr. MANN. I think it has been the intention of the gentleman from Alabama [Mr. UNDERWOOD], if the business on the Speaker's table would permit, to move a recess about half past 6, or thereabouts, for an hour and a half or two hours.

Mr. NORRIS. If we consume all the time, this will only take until 6.40 o'clock.

Mr. GREENE of Massachusetts. Mr. Speaker, I raise the question of no quorum present.

The SPEAKER. Evidently there is a quorum present.

Mr. GREENE of Massachusetts. I insist that there is no quorum.

The SPEAKER. The Chair will count to satisfy the gentleman.

Pending the count.

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from Massachusetts if he insists on his point of no quorum present?

Mr. GREENE of Massachusetts. I do. I will withdraw it if the gentleman wishes to make a motion.

Mr. UNDERWOOD. I should like to have the House run for about half an hour longer before we take a recess.

The SPEAKER. There is no doubt of the presence of a quorum in this Hall. The Chair will count to be sure that it is so. [After counting.] Two hundred and seventeen Members present—a quorum. The gentleman from Nebraska [Mr. NORRIS] is recognized for 20 minutes.

Mr. NORRIS. Before beginning the debate, I ask unanimous consent that the Clerk report the bill for the benefit of those who were not here this morning at 1 o'clock.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 8000) providing for publicity in taking evidence under act of July 2, 1890.

*Be it enacted, etc.,* That in the taking of depositions of witnesses for use in any suit in equity brought by the United States under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, and in the hearings before any examiner or special master appointed to take testimony therein, the proceedings shall be open to the public as freely as are trials in open court; and no order excluding the public from attendance on any such proceedings shall be valid or enforceable.

Mr. NORRIS. Mr. Speaker, I explained the other day when we had this bill up under the Unanimous Consent Calendar just exactly what it was and what the effect would be, but for those who were not here then I want to say briefly that the bill provides that in the taking of evidence in equity suits commenced by the Government under the Sherman antitrust act the taking of the evidence shall be public.

I presume Members all realize that this bill applies only to civil cases, and only cases in which the United States is plaintiff. I think, without any exception in the history of the past, in these cases a master has been appointed to take the evidence, and it is necessary for him to go to different places in the country and take evidence and possibly consume several months of time in procuring the testimony.

There never was a question raised but what this must be done in public and that the public was entitled to admission, until about a year ago in a case of the United States against the shoe machinery company in Boston, a corporation organized under the laws of New Jersey, the question was raised and a demand was made by the defendant to that suit that this evidence be taken in private, and that no one but the attorneys on both sides be admitted to the hearings. The question had never been raised before and never had been attempted, and after considerable argument and filing of briefs before the court, the court finally decided that the evidence should be taken in private.

There is no doubt from the reading of the briefs, and from the opinion of the court, that the court had the right under the law to decide in its discretion as it did. It was not error. In other words, it is a discretionary matter.

The Attorney General, in the prosecution of the trusts under this act, says that he has very often been materially assisted in the publicity given to the evidence taken in one place before he finished the taking of evidence in another place. It always leads to the development of other facts and of other material in the case, and has always been of material assistance in the past.

Mr. BUTLER. Will the gentleman yield?

Mr. NORRIS. Yes.

Mr. BUTLER. Does the Attorney General request this legislation?

Mr. NORRIS. He did, and has devoted considerable space in his last report to the subject.

Mr. MADDEN. Will the gentleman yield?

Mr. NORRIS. Yes.

Mr. MADDEN. Will the gentleman state whether it is usual to take testimony in public before a master in cases where the Government of the United States is not interested?

Mr. NORRIS. I think so; there never has been any instance in these cases where the evidence has not been taken in public.

Mr. MADDEN. Is the Government of the United States in a different position, in taking evidence of this kind, from a private individual, in taking evidence before masters?

Mr. NORRIS. I think so. There is reason for this, as these cases are always brought in the name of the people of the United States. They always take evidence in different sections of the country, and some cases often consume seven or eight months' time. If there were no publicity given to it until the master's report is filed it would mean that there never would be any publicity, because at the end of the taking of the evidence it consists of many thousands of pages which no one would read through.

Mr. MADDEN. How does the publicity of the evidence taken before the master prior to the close of the trial prejudice or assist the rights of the person who is prosecuting them?

Mr. NORRIS. I have just said that the Attorney General said that he has never had a case but what he has been materially assisted by the publicity of the evidence in the case before he had got through with the case. In addition to that all the evidence in these cases is taken before a master, and if it did not have publicity before the master it would have no publicity at all. It means secreted evidence, and this ought to appeal to gentlemen who are defending the courts, and doing it honestly, it seems to me; that the real friends of the courts will be the ones to legislate to give the widest publicity to everything that happens in the court.

Mr. McGUIRE of Oklahoma. In the particular case to which the gentleman alludes, the court, of course, had discretionary power to have the evidence taken in secret.

Mr. NORRIS. Yes?

Mr. McGUIRE of Oklahoma. The request was made by the defense for the secret hearing?

Mr. NORRIS. Yes.

Mr. McGUIRE of Oklahoma. Can the gentleman say what was the attitude of the Attorney General?

Mr. NORRIS. The Attorney General opposed it as well as he knew how, and filed an elaborate brief.

Mr. BURKE of Pennsylvania. Will the gentleman state what was the outcome in that particular case?

Mr. NORRIS. There has been no outcome. The fact is that under the law, according to the order for taking the evidence in secret, the Attorney General has never made another move.

While I am not authorized to say it—he did not say it to me—he stopped the case. It is my belief that if it is to be taken in secret, he never will proceed further with the case.

Mr. AUSTIN. What reason did the court give for his order?

Mr. NORRIS. I do not think he gave any reason. I have read all of the briefs, and there were no authorities cited on either side.

I yield two minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, this bill was given careful consideration by the Committee on the Judiciary, and that committee reached the unanimous conclusion that this bill ought to pass, to prevent an abuse in the administration of public justice. The day for star-chamber proceedings has passed. This order made by the judge in the investigation of the case against the Shoe Machinery Trust was in its nature a return to star-chamber methods, and the judge, for reasons known to himself or to that trust, made the order that the testimony should be taken in secret, so that the public should not hear it and so that the press should not make it known. The committee agrees with the Attorney General, who is the officer charged with the prosecution of these trusts, that publicity ought to be given to all court proceedings just as publicity is given to congressional proceedings in the investigation of cases against the trust. I can not imagine any good reason why the proceedings should have been in secret. This is an age of publicity. We pass different kinds of publicity legislation here, and it is the first time in the history of American jurisprudence, so far as I know, that the courts have made a solemn order denying to the public knowledge of a public transaction, of a matter in which the general public are interested. Then, again, the Attorney General says that this publicity of these investigations before the master has

been of incalculable benefit to him in the prosecution of cases against the trusts; that the bystanders hear the testimony given in behalf of those who are friendly to the trusts and have frequently come to him or to his assistants and given information that has led to uncovering wrongful contracts of these unlawful combinations. He says the dissemination of the information through the newspaper press has been most helpful to him in the enforcement of the antitrust law.

I hope, Mr. Speaker, that this House will do as the Committee on Judiciary did, reach a unanimous conclusion that the bill ought to pass.

Mr. KAHN. Mr. Speaker, I am just as anxious as the gentlemen who have spoken for the pending bill for the widest publicity at every trial, but the bill before us does not provide for publicity in any judicial trial. The hearing is before an examiner or a special master. It is little more than taking a deposition. It is not a trial, but a proceeding preliminary to a trial. In taking the evidence before a special master the witness is asked certain questions, and although the attorney upon the other side may make an objection against any particular question upon the ground that it is immaterial, incompetent, and irrelevant, still the witness is bound to answer. Subsequently the court passes upon the matter, but if the hearing before the examiner be public the damage is done before the matter reaches the court. The consequence will be that a shrewd attorney can worm out trade secrets, can worm out secret processes of manufacture from a willing or indifferent witness, much to the detriment of the concern with which he is connected.

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

Mr. KAHN. Yes.

Mr. NORRIS. Would it not be, if the witness is willing, just as easy to get that evidence from him without putting him on the stand?

Mr. KAHN. It would not; because the attorney on the other side in the case, if it were tried before a court, could interpose an objection, and in all likelihood the court would rule on the objection and bar out the testimony.

Mr. NORRIS. But he could go out on the street and tell it. He could publish it in the newspapers, if he were a willing witness.

Mr. KAHN. But there are many men who will go to court and tell all they know, as the gentleman knows, who will not go out on the street corners and tell what they know; when questions are asked them in court they frequently gladly volunteer evidence.

Mr. LENROOT. In a secret hearing when a deposition is taken it is finally made public and read in court, is it not?

Mr. KAHN. It is; but still while it is opened in court, nevertheless the materiality and competency of the questions that have been objected to are ruled upon by the court, and if they are improper they are excluded and can not be taken as evidence in the hearing.

Mr. LENROOT. They nevertheless become public, although in a legal sense they are excluded.

Mr. KAHN. While, in a measure, they become public, nevertheless the court rules out the objectionable questions and the answers thereto. As a general proposition, in the taking of depositions no one is present except the attorneys who are retained in the litigation and the witnesses, and they do not spread broadcast the evidence of the witnesses to the detriment of the litigants in the case. Besides, it is doubtful whether any deposition will ever assume the importance of a hearing before an examiner or a special master in actions of the character referred to in this bill.

Mr. GREEN of Iowa. Will the gentleman yield further?

Mr. KAHN. For a question; certainly.

Mr. GREEN of Iowa. Has not the public the right to know whether these officials, such as the Attorney General, are conducting these examinations properly, and how will they know unless they be made public?

Mr. KAHN. These questions can all be asked in public and there will be no objection to doing that if this bill can be properly amended. There was another bill introduced in the Senate at the same time this bill was introduced, a companion bill, S. 7999, and a provision in that bill is this:

In any suit in equity pending or hereafter brought in any such court under the act entitled "An act to protect trade and commerce against unlawful restraints and monopolies, approved July 2, 1890," wherein the United States is complainant, if the Attorney General shall include in the certificate made by him, as hereinbefore provided, a statement that, in his opinion, the nature of the case demands that the testimony be taken by a special master in accordance with the provisions of this act, the court shall thereupon enter an order appointing a special master to hear the parties and take the evidence in the cause, and such special master shall have and may exercise with respect of such case all the powers which the court would have in the conduct and trial of the cause,

including power to rule on the admission of evidence; and the special master shall, upon the completion of the evidence, report to the court the facts found by him upon said evidence.

And so forth.

Now, this bill under consideration here, with that provision that I have just read in it, would be an admirable bill. I would not oppose it for a moment. The examiner or special master in hearing the case would have the right to pass upon the relevancy or materiality of the questions propounded; but under present practice the master can not do that. He does not pass upon the competency of those questions at all, and for that reason, in my judgment, the bill is liable to cause serious damage to legitimate business.

Mr. NORRIS. Will the gentleman yield again?

Mr. KAHN. The gentleman can use his own time.

Mr. NORRIS. I wanted to ask the gentleman a question.

Mr. KAHN. I yield to the gentleman.

Mr. NORRIS. I wanted to ask the gentleman whether or not the master will rule on evidence either admitted or excluded does not depend upon his appointment. The court right now could give a master authority to pass upon the admissibility of evidence under the law as it stands to-day.

Mr. KAHN. The fact of the matter is the master does not pass upon the materiality of the questions, and the fact that the master should pass upon those questions was evident to the gentleman who introduced Senate bill 8000, because he also introduced this other bill (S. 7999) which plainly puts it up to the master to pass upon the relevancy and materiality of the questions propounded. With that amendment in this bill there can be no objection whatever to it. I think it is only fair to all litigants, especially those who have some secret process of manufacturing a particular ware or commodity, to have their rights protected. They should not be compelled to disclose their secret in a hearing of this kind and for that reason I think the bill should at least be amended, if it be passed at all, by adding this section, which is a part of Senate bill 7999. I reserve the balance of my time.

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

The SPEAKER. The gentleman from Ohio makes the point of order there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I will ask the gentleman from Ohio to withhold his motion for a moment, when I will move a recess. If it is evident we can not get a vote before supper, we will get it after supper.

Mr. NORRIS. I will suggest to the gentleman I would just as lief have the vote after supper as now, but I think we can finish this debate in a very short time.

The SPEAKER. But the point of no quorum has been made.

Mr. UNDERWOOD. The point of no quorum has been made.

Mr. NORRIS. I understand; and I do not want to delay proceedings, but I do not desire to have this bill lose its position.

Mr. UNDERWOOD. I will ask the gentleman from Ohio to withhold the point of no quorum for a moment.

Mr. KAHN. Mr. Speaker, I desire to say I have been called away to a conference, and I will ask unanimous consent that I may yield the balance of my time to the gentleman from Pennsylvania.

The SPEAKER. The Chair will recollect that after he gets through with this other matter.

Mr. UNDERWOOD. Mr. Speaker, there is a resolution of the House—resolution No. 71—on the table to print the tariff hearings, for the benefit of Members of Congress, with a slight Senate amendment, and I desire to call that up and ask that it be agreed to.

The SPEAKER. Does the gentleman from Ohio withhold his point of no quorum for a moment?

Mr. POST. Yes.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

#### House resolution 71.

*Resolved by the House of Representatives (the Senate concurring),* That there be printed and bound 2,500 copies of the tariff hearings before the Committee on Ways and Means of the House of Representatives since the 6th day of January last, 1,700 for the use of the House and 800 copies for the use of the Senate.

IN THE SENATE OF THE UNITED STATES,  
February 25, 1913.

*Resolved,* That the foregoing concurrent resolution of the House of Representatives do pass with the following amendment: Line 2, after the word "bound," insert "in buckram."

Mr. UNDERWOOD. Mr. Speaker, I will state to the House the Senate amendment merely provides that the book shall be bound in the cheapest possible manner, and in order to get them it is necessary for the resolution to go through at this time. I ask unanimous consent that the Senate amendment be agreed to.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to consider this resolution now. Is there objection? [After a pause.] The Chair hears none.

The question is on agreeing to the Senate amendment. The Senate amendment was agreed to.

#### RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until 8:45 p. m.

The motion was agreed to; accordingly (at 6 o'clock and 25 minutes p. m.) the House stood in recess until 8:45 p. m.

#### EVENING SESSION.

At the expiration of the recess the House resumed its session.

#### MESSAGE FROM THE SENATE.

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

S. 8589. An act relating to supervision of the Lincoln memorial.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 28858) making appropriations to supply deficiencies in appropriations for the fiscal year 1913, and for prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. WARREN, Mr. GAMBLE, and Mr. CULBERSON as the conferees on the part of the Senate.

#### PUBLICITY IN TAKING EVIDENCE.

The SPEAKER. The gentleman from Nebraska [Mr. NORRIS] has 8 minutes left, and the gentleman from California [Mr. KAHN] 10 minutes. If nobody wants to make a speech the Chair will put the question.

Mr. KAHN. Mr. Speaker, I make the point that there is no quorum present. This is a very important matter, and the House ought to know about it before it goes to a vote. I suggest that a quorum be present to vote upon the matter.

Mr. JAMES. Mr. Speaker, a quorum will be here in a few moments. Otherwise we should take up 40 minutes in calling the yeas and nays. The Members will be here in 10 minutes.

Mr. KAHN. I want the Members of the House to hear the merits of the bill.

Mr. FOSTER. The Members are all familiar with the bill.

Mr. RODDENBERY. They know more about this than they do about conference reports.

Mr. KAHN. I do not know about that. Some statements have been made about the attitude of the Attorney General. I have the report of the Attorney General for the year 1912 in my hand, in which he says specifically that the amendment I propose ought to be adopted. Members do not know that, although they may have heard that the Attorney General favored this measure.

Mr. MANN. Mr. Speaker, will the gentleman from California withhold his point just a moment?

Mr. KAHN. Yes.

Mr. MANN. May I inquire whether, pending the arrival of Members, there is any routine business on the Speaker's table that ought to be attended to?

The SPEAKER. The Speaker's table is cleared up.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move to suspend the rules and take from the Speaker's table—

The SPEAKER. Oh, no. There is one bill already pending on a motion to suspend the rules. There are certain gentlemen here who have such things as bridge bills, which nobody will object to, and by unanimous consent of the House the Chair would recognize them if a larger House were here.

Mr. JAMES. Mr. Speaker, I ask unanimous consent that for 20 minutes the Members be accorded recognition on such bills as that.

The SPEAKER. If the gentleman from California will withhold his motion for 20 minutes, that could be done.

Mr. KAHN. I withhold it.

The SPEAKER. Then, without objection, that will be done. There was no objection.

#### MATTHEW T. FULLER.

Mr. RUSSELL. Mr. Speaker, I move to call up the bill H. R. 16993, with a Senate amendment, and move that the House concur in the amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (H. R. 16993) for the relief of Matthew T. Fuller.

The SPEAKER. The Clerk will report the Senate amendment.

The Senate amendment was read.

The SPEAKER. The gentleman from Missouri [Mr. RUSSELL] moves to concur in the Senate amendment. The question is on agreeing to that motion.

The motion was agreed to.

E. T. BOURGER.

Mr. SHACKLEFORD. Mr. Speaker, I ask unanimous consent to take up House bill 28613 and put it on its passage.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 28613) to construe the name of E. T. Bourger, as the same appears in the report of Hawkins-Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, to refer to Joseph Bourgeret, of Osage County, Mo.

*Be it enacted, etc.*, That the name of E. T. Bourger, as the same appears in the report of the Hawkins-Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, shall be construed as referring to Joseph Bourgeret, who now resides in Osage County, Mo.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

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

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

YOSEMITE PARK.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to consider Senate bill S279, in relation to Yosemite Park. That is a bill extending from 10 to 20 years the time within which a hotel may be built.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (S. 279) to amend an act approved October 1, 1890, entitled "An act to set apart certain tracts of land in the State of California as forest reservations."

The SPEAKER. Is there objection?

Mr. JAMES. Mr. Speaker, reserving the right to object, I would like to hear the bill reported.

The SPEAKER. The Chair was taking it for granted that every gentleman in the House knew what was in every bill. [Laughter.]

Mr. JAMES. I do not.

The SPEAKER. The request of the gentleman is entirely correct, and the Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior is hereby authorized and empowered to grant leases, for periods of not exceeding 20 years, at annual rentals, and under terms and conditions to be determined by him, to any person, corporation, or company he may authorize to transact business in the Yosemite National Park, for separate tracts of land, not exceeding 20 acres each, at such places, not to exceed 10 in number to any person, corporation, or company in said park, as the comfort and convenience of visitors may require, for the construction and maintenance of substantial hotel buildings and buildings for the protection of motor cars, stages, stock and equipment, etc. Such leases may, at the option of the Secretary of the Interior, contain appropriate provisions for the appraisement, at the expiration of the lease, of the value of such hotel and other buildings (or portions thereof) as may be constructed by the lessees, respectively, and the payment of the same to the lessees in case a new lease be made to persons other than the said lessees, such payments to be made by said new lessees, respectively.

SEC. 2. That any person or corporation or company holding a lease or leases within said park for the purposes above described is hereby authorized, with the approval of the Secretary of the Interior, to execute mortgages upon his or its rights and properties, including his or its contract or contracts with the Secretary of the Interior; such mortgages shall be executed in duplicate and delivered to the Secretary of the Interior for his approval, and upon his approval thereof he shall retain one of said duplicates and file the same for record in his office.

SEC. 3. That any mortgage, lien, or encumbrance created under the provisions hereof shall be subject to the rights of the Government to compel the enforcement of the terms of the lease or contract of the mortgagor, and any purchase under a foreclosure of such encumbrance shall take subject to all the conditions assumed by the original lessee or contractor.

SEC. 4. That all provisions of existing law in relation to said park not in conflict herewith are hereby continued in full force and effect.

The SPEAKER. Is there objection?

Mr. JAMES. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from California a question. Just from hearing the bill read from the Clerk's desk, it purports to be a bill that gives to the Secretary of the Treasury the right to supervise leases for the purpose of granting hotel privileges in this park in California.

Mr. RAKER. Not the Secretary of the Treasury, but the Secretary of the Interior.

Mr. JAMES. How much land is it proposed to give?

Mr. RAKER. Ten-acre tracts.

Mr. JAMES. For how many hotels?

Mr. RAKER. I suppose it will be one or two, as the Secretary determines, or more. It is entirely up to the Secretary of the Interior. I will say to the gentleman from Kentucky that in addition the law now provides that he may issue leases for camping privileges. This provision of the law is the same as the one relating to the Yellowstone Park. This is the statement of the Secretary of the Interior with reference to it:

If the bill be amended in accordance with these suggestions, it has my hearty approval, and I earnestly recommend that it be enacted into law at the earliest practicable date.

Mr. JAMES. The inquiry I want to make of the gentleman is whether or not this bill could be used for the purpose of giving leases to men, under the guise of erecting hotel buildings, for the purpose of getting valuable lands in this park?

Mr. RAKER. Absolutely no. There is nothing of that kind in it. I will say to the gentleman that the Secretary of the Interior is negotiating a contract, which will in all probability be executed if this law passes, to put up a hotel there that will cost at least \$500,000. The entire State of California is pleading for this legislation.

Mr. ANDERSON. What is the need for ten 20-acre tracts of land upon which to put one \$500,000 hotel?

Mr. RAKER. That is for the purpose, if he wants to do so, of putting other hotels there. He may build more than one hotel if he wants to. It is entirely up to the Secretary of the Interior.

Mr. KAHN. Will my colleague yield?

Mr. RAKER. I yield to the gentleman from California.

Mr. KAHN. If the gentleman from Minnesota will give me his attention, I will say that in the Yosemite Valley there is a hotel that has been in existence for many years. It is a good hotel, but old and not what might be called up to date. The State of California built a hotel in the valley when it had jurisdiction there, and expended some \$300,000 or \$400,000 in its construction and equipment. It burned down some 17 years ago, and there have been no adequate hotel accommodations in the valley since that time. The number of visitors to the valley has increased very largely in recent years. Railroad facilities now bring the traveler to within 12 miles of the floor of the valley, and therefore the long stage trips that were necessary in former years have been practically discarded. While there are a number of camps in the Yosemite, the valley needs a big new hotel; but in addition to a hotel proper it has been customary to put up cottages for visitors in places of scenic grandeur, and I daresay that the intention of the people who propose to build this hotel is also to put up quite a large number of cottages in this tract to accommodate the guests.

Mr. ANDERSON. If the gentleman will yield further, I notice in the report here there is a quotation from a letter of the Secretary of the Interior, which says:

If the bill be amended in accordance with these suggestions, it has my hearty approval, and I earnestly recommend that it be enacted into law at the earliest practicable date.

I should like to know what these amendments are.

Mr. RAKER. This is a bill which was originally introduced in the House, and the House committee reported it favorably with these amendments. The same bill, with the amendments suggested by the Secretary of the Interior, was then introduced in the Senate with those amendments in the bill, and the bill as passed by the Senate is the identical bill recommended by the Secretary of the Interior, and it contains the amendments recommended by him.

Mr. ANDERSON. I do not think it is worth while to go further with this bill. I intend to object to it anyway.

The SPEAKER. The gentleman from Minnesota objects.

CORA EVANS.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 27090), for the relief of Cora Evans.

The SPEAKER. The Clerk will report the bill.

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 Cora Evans, widow of Joseph E. Evans, the sum of \$1,320, this being the amount of the annual salary of the said Joseph E. Evans, who at the time of his death was an employee of the Bureau of Mines and came to his death on April 7, 1911, in a mine at Throop, Lackawanna County, Pa., while engaged, under the direction of the Bureau of Mines, in the hazardous employment of leading a rescue party, following a mine fire, in an attempt to rescue miners supposed to be barricaded at the face of the mine.

The SPEAKER. Is there objection?

Mr. JAMES. Mr. Speaker, I think some explanation of this bill ought to be made.

Mr. FOSTER. Mr. Speaker, I desire to state that this is a bill to pay the widow of Mr. Evans, who lost his life in a rescue party in a mine in 1911. This provides for the payment of

one year's salary which is now provided under the general law of taking care of those engaged in this hazardous occupation. At this time the law was not in effect, and of course she could not recover anything under the law as it now exists.

Mr. JAMES. Does this give her any greater right than would be given her under the law as it now exists?

Mr. FOSTER. Exactly the same.

Mr. GARNER. Why does not this claim take the same course that other claims do?

Mr. FOSTER. It does. It has been reported by the Claims Committee. This accident occurred before the law which is now in existence was passed. Last summer a similar bill was passed to pay Mrs. Ferrell one year's salary, whose husband lost his life under similar circumstances.

Mr. MANN. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. MANN. We passed a bill last year extending the law of the Bureau of Mines with reference to personal injuries. The Senate added an amendment making it retroactive. I and others decidedly objected to making the law retroactive. It was stated, however, that there were only two cases where injuries had occurred in the Bureau of Mines prior to the passage of the law, and I think there was an understanding that the House by special act would take care of these two cases. One has been taken care of, and this is the other.

Mr. GARNER. The other case, then, has been taken care of, and after this there are no other cases?

Mr. MANN. There are no other cases.

Mr. SISSON. How much money does this bill carry?

Mr. FOSTER. \$1,320, one year's salary, now provided by law.

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

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

ALICE V. HOUGHTON.

Mr. CANTRILL. Mr. Speaker, I am authorized by the Committee on Claims to ask unanimous consent to call up the bill (S. 5137) for the relief of Alice V. Houghton, and pass the bill just as it came from the Senate without the House amendments.

The SPEAKER. The Clerk will report the bill without the House amendments.

The Clerk read the bill, as follows:

An act (S. 5137) for the relief of Alice V. Houghton.

*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 Alice V. Houghton the sum of \$8,000, for injuries received while employed in the Bureau of the Census, Washington, D. C., January 31, 1911, \$2,000 of said sum to be paid to the said Alice V. Houghton upon the passage of this act, and the remainder of said sum to be paid in monthly installments of \$75 each: *Provided*, That no sum of money due or to become due to the said Alice V. Houghton under this act shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, but shall inure wholly to the benefit of the said Alice V. Houghton.

Mr. COX. Mr. Speaker, I think this bill ought to have some explanation. I reserve the right to object.

Mr. CANTRILL. Mr. Speaker, I desire to state to the gentleman from Indiana that the Committee on Claims has picked this bill out of hundreds of bills that have been before the committee as the one most deserving of consideration. I speak for the entire Committee on Claims in asking this House to pass this bill. [Applause.] The bill has already passed the Senate calling for \$8,000, which so appealed to the House that the House increased it to \$10,000, but we recognize the fact that the session is so near its close that in order to give her the relief to which she is entitled, we ask the House to pass the bill just as it came from the Senate.

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

Mr. CANTRILL. Certainly.

Mr. COX. What is her physical condition to-day?

Mr. CANTRILL. This is the case of the young lady who had her scalp torn off in the Census Bureau.

Mr. MADDEN. Will the gentleman yield to me?

Mr. CANTRILL. I will yield to the gentleman from Illinois.

Mr. MADDEN. This young woman was a clerk in the Census Bureau.

Mr. COX. I understand the circumstances of the case, but what is her physical condition?

Mr. MADDEN. This girl's condition is very bad, and she never will be better. She will eventually lose her sight. She has had five or six operations for the grafting of the scalp and, of course, they were very painful operations. Many people gave skin so that she might have her scalp restored. She has suffered untold agony and will all of her life. If there ever was a case in the history of the country where the sympathy of the Congress of the United States should be exercised, this is the case. [Applause.] Eight thousand dollars is no compensation

whatever for the injuries and the suffering this girl has gone through. She never will in her life become what she ought to be, but will be a sufferer as long as she lives.

Mr. COX. Mr. Speaker, I think this is a bad precedent, but I am not going to object.

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

There was no objection.

The SPEAKER. The Chair desires the attention of the gentleman from Illinois [Mr. MANN] and the gentleman from Kentucky [Mr. CANTRILL]. The Chair understood the gentleman from Illinois to say that the understanding is that the Senate bill shall be passed?

Mr. MANN. That is true, and the gentleman from Kentucky desires the Senate bill passed.

Mr. CANTRILL. Yes.

Mr. MANN. The first question to be taken, Mr. Speaker, will be on agreeing to the House amendments to the Senate bill.

Mr. CANTRILL. And the understanding is that the House amendments shall be voted down.

The SPEAKER. The Clerk will report the House amendments.

The Clerk read as follows:

Amend, page 1, line 6, by striking out the word "eight" and inserting the word "ten."

Amend, line 9, by striking out the word "two" and inserting the word "four."

The SPEAKER. The question is on agreeing to the House amendments.

The question was taken, and the amendments were rejected.

The SPEAKER. The question now 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.

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

#### PUBLICITY IN TAKING TESTIMONY.

Mr. NORRIS. Mr. Speaker, I will ask the gentleman from California to consume some of his time.

The SPEAKER. The gentleman from Nebraska has 8 minutes remaining and the gentleman from California 10 minutes.

Mr. KAHN. Mr. Speaker, I yield seven minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Mr. Speaker, the bill called up for consideration by the gentleman from Nebraska [Mr. NORRIS] I regard as one of the most important called up in the closing hours of this session of Congress. During the very brief discussion upon his part he made one of the most remarkable statements relating to a legal proceeding on the part of the Government of the United States that I have heard in this Congress. When asked as to the necessity for this particular legislation, it was stated that it was because of the fact that a judge in a single case had made a special order requiring the examiner appointed by that court to take the testimony at a hearing or hearings not open to the public. Asked then what had been the outcome of that proceeding, the gentleman from Nebraska stated that there had been no outcome; that the Attorney General had abandoned the proceeding. Mr. Speaker, I think the present Attorney General of the United States is a great lawyer and has made a most efficient Attorney General, and I am not willing, as a Member of this House, or the party to which he belongs, to have it stated upon the floor of this House that he abandoned a proceeding in line with the performance of his duty simply because a judge in a remote case made an order from which he dissented.

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

Mr. BURKE of Pennsylvania. Yes.

Mr. NORRIS. I made no such statement. I did not say he abandoned the proceedings.

Mr. BURKE of Pennsylvania. The gentleman stated that nothing had been done in the case since.

Mr. NORRIS. Nothing has been done since. I have the word of the Attorney General for that.

Mr. BURKE of Pennsylvania. The gentleman has the Attorney General's word for it that nothing has been done. What is the situation? Under the Sherman antitrust law every power conferred by the Constitution of the United States, every power conferred by the laws of evidence invoked every day in the United States courts, every power conferred by this special statute—the Sherman antitrust law—could have been invoked in this particular proceeding, and yet in the face of that fact, because a single order has been made, in which no hardship has resulted, we are asked in the closing hours of this Congress to pass a special piece of legislation changing the rules of proceedings in equity. What would be the consequence of it?

This legislation, I assume, is based either upon an evil that has arisen or a good that will be accomplished. What is the evil? Nothing, except that the order in this case has been made.

Is the Sherman antitrust law destroyed or rendered ineffective? Was it ineffective in the Northern Securities case, in the Standard Oil case, in the Tobacco case, in the Bathtub case, in the National Cash Register case, or in any case in which our Attorney Generals have invoked it for the correction of abuses or the punishment of evil? If it has been found adequate in all these cases, and countless others, there can be no reason why we should pass a bill at this hour setting aside a single statute and making a single exception with reference to the law's procedure that does not apply to all other proceedings in chancery in our United States courts. All laws should be so written that all persons shall be treated alike in our courts and court proceedings.

I am perfectly willing to vote for a bill such as has been introduced by the gentleman from Nebraska, making public all proceedings in equity cases. There is nothing in the order made by the judge in question, and there is nothing in this bill that would prove, although that seems to be the impression sought to be conveyed, that court proceedings are to be stifled or that they are to be conducted in private.

Let us understand exactly what the situation is. There is not a question that can be asked under the law, there is not an answer that can be given under the law, as it exists to-day that can be kept from the public. The purpose of this legislation is to go further, however, and confer not upon the courts, to confer not upon the masters who are vested with the power of ruling upon the competency or their relevancy of evidence, but to confer upon special examiners, who in many cases know little or nothing about the law, the right or the duty to take testimony in pursuance of a dragnet process, and the testimony must be taken and made public, whether relevant or irrelevant to the proceeding. It may be said that a man may refuse to answer, but he refuses to answer at his peril and at least at the risk of extra litigation and delay. Consider the extraordinary length to which this bill will carry us.

All proceedings before, not a master but before an examiner or a special master, shall be open to the public as freely as trials in open court before the court passes upon the legality of the questions or the necessity of the answers. These examiners go into your homes, they go into the prisons, they go into the hospitals, they go into the remotest places in the performance of their duty, and if this statute becomes effective law the public is entitled to invade the prisons, to invade the hospitals, to invade the home, to force itself to the bedside of the sick, to feast their ears upon the testimony of those called upon to testify. It is one of the most unusual propositions that I have ever heard proposed in this or any other Congress in the eight years I have had the honor of serving in this House. For a hundred years the courts of this country have been vested with discretion in matters of this kind, and in the hundred years of our history, Mr. Speaker, not one case has been pointed out here by the gentleman from Nebraska [Mr. NORRIS] or any other advocate of this bill, in which this discretion has been abused, but simply because of a single case, a recent case happening only within probably the last 60 or 90 days there is a difference between an able attorney general and a conscientious judge, we are called upon to enact special legislation in this Congress, while we deny its wisdom in other cases or at least refuse to make the law general for some reason not clear to the American people. When we legislate, let us legislate for all people alike.

The SPEAKER. The time of the gentleman has expired.

Mr. KAHN. Mr. Speaker, I ask the gentleman from Nebraska to use some of his time.

Mr. NORRIS. Mr. Speaker, I yield two minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, when this bill first came before the House on the Unanimous Consent Calendar I made an objection to its passage not because I thought the bill went too far, but because I then feared it did not go far enough, and since then I am convinced, like the gentleman from Nebraska [Mr. NORRIS] that it might not be possible to provide that testimony in all cases should be taken in public. There can be no valid objection to the passage of this bill [applause] except by some one who fears he will be injured by it, not because he ought not to be injured, but because he hopes to derive some benefit from sneaking in the dark. [Applause.] [Cries of "Vote!"]

Mr. NORRIS. Mr. Speaker, I ask the gentleman from California to use the balance of his time. There will be only one speech on this side of the proposition.

Mr. KAHN. Mr. Speaker, as I stated before the House took a recess, if this bill could be amended so as to give the examiner or special master the power to pass upon the materiality or competency of the question asked, there would be no objection to the bill whatever. The Attorney General of the United States, in his report of 1912, at page 23, says in express language that the master appointed ought to have the right to pass upon the relevancy of questions. I read from his report:

Suits brought in equity under the Sherman antitrust law for the dissolution of unlawful combinations involve such comprehensive inquiries, the taking of the testimony of so many witnesses, the examination of such manifold and voluminous books, accounts, documents, etc., and they so necessarily require the Government to call hostile and antagonistic witnesses, that it may be doubted whether in many instances they can properly be tried in open court; that is, whether the testimony must not necessarily in almost all cases be taken out of the court, and the case submitted to the court upon testimony so taken. This is especially so in view of the provisions of the expedition act, which requires such cases to be heard by not less than three judges.

To meet this situation, I suggest that provision be made by way of amendment to the expedition act to the effect that where the Attorney General shall file the certificate therein provided for, and shall also certify that, in his opinion, the case is one in which the testimony can not properly be taken under the ordinary provisions of the equity rules, the court shall, on his application, appoint a special master, with power to take the testimony, in the presence of the counsel for the respective parties and such other persons as may choose to attend, and with power to rule on the admission of evidence, and report the facts, together with his opinion thereon, and the evidence so taken to the court, upon the coming in of which report either party may file exceptions thereto, which shall be heard before not less than three judges, who shall determine the case.

That is the thing in a nutshell; if the master appointed shall have the power to pass upon the sufficiency of the question, its materiality, its relevancy, and its competency, there can be no objection whatever to having this hearing in public; but if the master has no such rights and he allows the answer to stand, serious injury can be done to a man who is doing an honest business. Suppose this man owns some secret process which some competitors are trying to get from him. He may have to divulge his method to such competitors unless he can get the protection the amendment which I have suggested would give him. It is a most dangerous proposition, and I hope the House will vote it down.

Mr. NORRIS. Mr. Speaker, the gentleman in closing referred to the great danger that is going to come to the men whose patent rights are divulged. Does he not know that there is a public record kept of all patent rights, open to every citizen of the United States?

Mr. KAHN. I should have said "secret processes."

Mr. NORRIS. And he refers to the Attorney General's report, when the Attorney General is speaking of an entirely different subject and a different bill. I have introduced a bill on the subject, from the report of which the gentleman read. It gives to the master the power to pass on evidence. I introduced this bill on publicity in the House and it has passed the Senate. They were both prepared in the Attorney General's office, after a great many consultations both with him and his assistants. If the gentleman wants to criticize the Attorney General and wants to question what I have said, I want to read to the House from his report what he said in regard to this particular case, arising in Boston, of the United States versus the United Shoe Machinery Co. He explains what was done, just as I have explained here. He closes by saying:

And no further proceeding has been taken in the case for the reason that I believe—

And that is the Attorney General speaking—

I believe it to be inconsistent with public interests to proceed with the taking of testimony under conditions imposed by the court if relief therefrom can be procured from Congress.

[Applause.]

Is that emphatic enough? Why, gentlemen, I could bring you four or five letters signed by the Attorney General asking me to get this bill up as soon as I could.

Mr. KAHN. Will the gentleman yield?

Mr. NORRIS. I have not the time. I am in favor of giving to the master the right to pass on the admissibility of evidence. But that is a different proposition. That is in another bill, and that is the bill the Attorney General was talking about in the extract which the gentleman quotes. It has not been reported probably for the reason that the Committee on the Judiciary of this House had most of its time taken up in this session by the proceedings in the impeachment case in the Senate. Why, gentlemen, I have talked with the Attorney General within the last three days over the telephone; I have talked with his various assistants who have had charge of this particular case; and I want to tell you that no man can truthfully say here or elsewhere that the Attorney General is not in earnest and that he does not want this particular bill passed that is now before us.

The gentleman says if I would agree to an amendment, he would not object. Everybody here knows that would mean the death of the legislation. This bill passed unanimously through the Committee on the Judiciary in the Senate; it passed the Senate of the United States; and it came here and was referred to the Committee on the Judiciary of the House. There is behind it here now a unanimous report from the Committee on the Judiciary of this body. We know at this late hour if we amended it and sent it back to the Senate we would get no legislation. So all may know just what the Attorney General did say in his report, I quote from it, on pages 21 and 22, as follows:

TAKING TESTIMONY IN ANTITRUST SUITS.

In the equity suit brought against the United Shoe Machinery Co. and others, issue being joined by answers of the defendants, the Government was about proceeding to the taking of testimony before an examiner under the equity rules, when the defendants demanded that the public be excluded from the hearings before the examiner. The Government contended that the public could not properly be so excluded. The defendants thereupon made application to the court for an order in the premises. A certificate having been filed under the terms of the expedition act (32 Stat., 823; as amended, 36 Stats., 854), the matter was heard before Circuit Judges Colt and Putnam and District Judge Brown, of Rhode Island, and an opinion was rendered to the effect that under the terms of United States equity rule 67, providing for the taking of testimony in equity cases before examiners, which examination, it is provided, "shall take place in the presence of the parties or their agents, by their counsel or solicitors \* \* \* no person other than those mentioned was entitled to be present, and, therefore, that the public should be excluded from the hearings. This direction is not appealable to the Supreme Court. No order has been entered upon the decision, and no further proceeding has been taken in the cause, for the reason that I believe it to be inconsistent with the public interest to proceed with the taking of testimony under the conditions imposed by the court, if relief therefrom can be procured from Congress.

The decision, it appears to me, is based upon a manifest misconception of the nature of the proceedings and the character of the parties. When the Government of the United States is a party to a suit, and particularly to a suit brought under the Sherman antitrust law to prevent unlawful restraints upon interstate commerce or foreign commerce—essentially a matter affecting the public—all the people have a legitimate interest in the proceeding, and are entitled to know just what evidence is being given, and when it is given. The public are the real parties to the suit; and within the text of the rule they are entitled to be present. In the prosecution of defendants charged with monopolizing or attempting to monopolize commerce, it is the experience of the department that the newspaper reports of evidence given in the examination of witnesses often leads to persons having knowledge of the facts furnishing the Government with valuable evidence bearing upon the questions in dispute which otherwise would not be discovered. Even if the court in this case has placed a correct construction upon the law, in my judgment Congress should by statute alter the rule. So far as I have been able to ascertain, this decision is the first one ever rendered in this country which excludes the public from hearing the evidence given in a civil suit to which the Government is a party. The revised equity rules promulgated by the Supreme Court, which take effect February 1 next, repeal rule 67 and provide for taking testimony in equity suits in open court, subject, however, to the right of both parties to take testimony under the provisions of the Revised Statutes, sections 876, 871, and 872. The court is also empowered for good and exceptional cause to depart from the general rule by allowing the deposition of witnesses to be taken before an examiner upon terms specified in the order. But no provision is included in said rules bearing upon the publicity to be allowed on such hearings.

Mr. Speaker, I want to close this debate by appending the report I made on behalf of the Judiciary Committee of this House, as follows:

Mr. NORRIS, from the Committee on the Judiciary, submitted the following report [to accompany S. 8000]:

The Committee on the Judiciary, to whom were referred the bills (H. R. 26749 and S. 8000) providing for publicity in taking evidence under the Sherman antitrust law, have duly considered the same and report S. 8000 back to the House with the recommendation that it do pass.

These two bills are exactly the same and provide that the hearings before any examiner or special master appointed to take testimony in all equity suits brought by the United States under the act to protect trade and commerce against unlawful restraints and monopolies, commonly known as the Sherman antitrust law, shall be public the same as trials in open court. It is the universal practice in all equity suits brought by the United States Government under this act for the court to appoint a master to take the testimony. As a general rule this master is, in effect, a traveling court, and he has to go to various parts of the country to take the evidence. In most cases under this act the taking of the evidence consumes several months of time. Until a short time ago it was always supposed that the taking of testimony by such master was a public function and that the rules regarding the publicity of courts generally applied to such master. In all the cases that have ever been commenced by the Government under this act, until very recently, there never was any attempt made to have such hearings held in secret.

Last year, however, in the case of *The United States v. The United Shoe Machinery Co. of New Jersey et al.*, pending in the District Court of the United States for the District of Massachusetts, after a master had been appointed to take testimony in the usual way, the defendants objected to the taking of such testimony by the master in public, and the question was submitted to that court. After an exhaustive hearing and the filing of briefs by the parties to the suit, the court issued an order that the public should be excluded from such hearings and that the same should be private. This seems to have been the first time that the question was ever raised, and if the decision of this court stands, and no legislation is had thereon by Congress, there is no doubt but what the Government in all equity suits under this act will be met at the threshold with an application on the part of the defendant for the taking of the evidence in private. It must be remembered that in all these cases the Government of the United States is a party. In reality the people of the country are plaintiffs in the suit, and the

taking of the evidence in secret, either by the court or any master representing the court, is not only contrary to the fundamental idea of our jurisprudence, but it would often result in a denial of justice. Everything pertaining to our courts should have the greatest publicity. Secret hearings would surround our courts with a mystery of doubt and eventually bring them into disrepute. If our courts are to retain the confidence and respect of the country generally, their official conduct must be entirely free from any suspicion of star-chamber proceedings.

The SPEAKER. The question is on suspending the rules and passing the Senate bill.

The question was taken; and (two-thirds having voted in the affirmative) the rules were suspended, and the bill was passed.

CONDAMNED CANNON AND CANNON BALLS.

Mr. HAY. Mr. Speaker, I move to suspend the rules and pass the bill S. 8273, with House amendments, and three other amendments which I send to the Clerk's desk. I ask that the bill be read by its title.

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

The Clerk read as follows:

A bill (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls.

Mr. HAY. Mr. Speaker, this is quite a lengthy bill, and I ask unanimous consent that the reading of the bill be dispensed with, as it only authorizes the Secretary of War to give cannon to certain towns and Army posts throughout the country without expense to the United States.

Mr. MANN. Mr. Speaker, I think the bill ought to be read.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects, and the Clerk will read the bill with the committee amendments and the other amendments offered by the gentleman from Virginia [Mr. HAY].

The Clerk read as follows:

An act (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls.

*Be it enacted, etc.*, That the Secretary of War be, and he is hereby authorized, in his discretion, to deliver to the city of Lancaster, in the State of Pennsylvania, for the use of General William S. McCaskey Camp, No. 53, United Spanish War Veterans, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the town of Washington, in the State of Mississippi, for the use of Jefferson College, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the city of Corinth, in the State of Mississippi, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the city of Grand Forks, in the State of North Dakota, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Lakota, in the State of North Dakota, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the State of North Dakota, for use at the Fort Rice Memorial Park, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Minot, in the State of North Dakota, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the proper authorities of the State Soldiers' Home at Port Orchard, Wash., two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Davenport, Wash., two condemned cannon;

To the city of Trinidad, in the State of Colorado, for the use of the Trinidad Post, No. 25, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Rocky Ford, in the State of Colorado, for the use of the Wadsworth Post, No. 93, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Raton, in the county of Colfax and State of New Mexico, two condemned bronze or brass cannon and a suitable outfit of cannon balls;

To the town of Lookout Mountain, in the State of Tennessee, two condemned cannon and a suitable outfit of cannon balls;

To the county of Mecklenburg, in the State of Virginia, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Jackson, in the State of Mississippi, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the city of Bellevue, in the State of Ohio, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the city of Jacksonville, in the State of Florida, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the Greenbrier Military Academy at Lewisburg, in the State of West Virginia, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the county of Lamoille, in the State of Vermont, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the University of Utah at Salt Lake City, in the State of Utah, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the University of Colorado at Boulder, in the State of Colorado, two condemned bronze or brass cannon or fieldpieces and a suitable outfit of cannon balls;

To the city of Virginia, in the State of Minnesota, one condemned bronze or brass cannon or fieldpiece and a suitable outfit of cannon balls;

To the city of Oregon, in the State of Missouri, one small bronze cannon or fieldpiece, with its carriage and six cannon balls;

To the State of New York, two bronze or brass fieldpieces or cannon, with their carriages and outfit of cannon balls, etc., the same to be used on the site of the Newtown Battlefield Monument to Gen. Sullivan, of Revolutionary fame:

To the Wallkill Valley Cemetery Association, of Orange County, N. Y., two condemned bronze or brass cannon for use in connection with a monument in memory of the men of Company H, One hundred and twenty-fourth New York Volunteer Infantry, who died in the service of the United States during the Civil War;

To the city of Augusta, in the State of Georgia, certain bronze cannon and cannon balls, and now located at the arsenal at Augusta, Ga., to be mounted on either side of the Archibald Butt Memorial Bridge in the said city of Augusta, in the State of Georgia;

To the town of Adams, Mass., for the adornment of the grounds of the State armory in that town, one condemned bronze or brass cannon or fieldpiece, with its carriage and a suitable outfit of cannon balls;

To the State of Arizona three bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, the same to be mounted and used in the State capitol grounds in the city of Phoenix;

To the State of New York the brass fieldpieces and one brass howitzer captured by Gen. Burgoyne at the Battle of Saratoga, for the purpose of mounting them on the battlefield of Saratoga as suitable trophies of the battle;

To Porter Military Academy, Charleston, S. C., two bronze or brass condemned cannon, with suitable outfit of cannon balls, the same to be used on the campus of Porter Military Academy, at Charleston, S. C.

To the county of Clay, in the State of Arkansas, three condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, the same to be mounted and used in the county courtyard in the town of Piggott:

To the town of Summit Hill, in the State of Pennsylvania, for the use of the E. T. Conner Post, No. 177, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls:

To the city of Baltimore, in the State of Maryland, one small bronze cannon or fieldpiece, with its carriage and six cannon balls:

To the city and county of San Francisco, State of California, for the use of the Pioneer Women's Cabin, in Golden Gate Park, in said city and county, one condemned bronze or brass cannon or fieldpiece, with its carriage and suitable outfit of cannon balls:

To the city of Seiby, in the State of South Dakota, for the use of John Mangon Post, No. 150, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls:

To the city of Sheffield, in the State of Alabama, a bronze cannon, with its carriage, not needed for present service:

To Princeton Post, No. 111, Grand Army of the Republic, of Princeton, Kans., for ornamental purposes, one 12-pounder or larger cannon or fieldpiece, together with its mounting or carriage and six cannon balls:

To donate two bronze or brass guns to the Stanton Monument Association, Steubenville, Ohio, now at Chickamauga Park, Ga., which were issued to the commissioners of the Chickamauga and Chattanooga National Military Park under the provisions of the act of Congress approved August 5, 1892;

To donate two bronze or brass guns to the J. S. McCready Post, Grand Army of the Republic, of Cadiz, Ohio, now at Chickamauga Park, Ga., which were issued to the commissioners of the Chickamauga and Chattanooga National Military Park under the provisions of the act of Congress approved August 5, 1892;

To the Lieutenant David H. Nissley Post, No. 478, Grand Army of the Republic, of Mount Joy, Pa., two condemned bronze or brass cannon or fieldpieces, with their carriages, and a suitable outfit of cannon balls;

To the city of Tarkio, in the State of Missouri, one small bronze cannon or fieldpiece, with its carriage and six cannon balls;

To the municipality of Goshen, N. Y., two condemned bronze or brass cannon, the same to be placed within the county courthouse grounds in connection with a monument in memory of men who died in the service of the United States during the Civil War;

To the Hannah Weston Chapter, Daughters of the American Revolution Society, of Machias, in the State of Maine, three condemned bronze or brass cannon or fieldpieces, with their carriages and with suitable outfit of cannon balls, the same to be mounted and placed by direction of the Hannah Weston Chapter, Daughters of the American Revolution Society, in the towns of Machias and Machiasport;

To the town of Fincastle, Va., two cannon or fieldpieces with their carriages, to be mounted on either side of the Confederate monument in the said town of Fincastle, in the State of Virginia;

To the town of Cumberland, Va., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted on either side of the Confederate monument in the said town of Cumberland, in the State of Virginia;

To the town of Buckingham, Va., two cannon or fieldpieces, with their carriages, not needed for present service, to be mounted on either side of the Confederate Monument in the said town of Buckingham, in the State of Virginia;

To the Grand Army of the Republic Association of Painted Post, in the State of New York, two bronze or brass fieldpieces or cannon, with their carriages and outfit of cannon balls;

To the city of Savannah, in the State of Georgia, two bronze or brass cannons, with a suitable outfit of cannon balls, the same to be placed in a public park or square in said city;

To the city of Pembroke, Bryan County, Ga., two bronze or brass cannon, with a suitable outfit of cannon balls, the same to be placed in a public park or square in the town of Pembroke, Ga.;

To the city of Sylvan, in the State of Georgia, two bronze or brass cannon, with a suitable outfit of cannon balls, the same to be placed in a public park or square in said city;

To the city of Sheboygan, in the State of Wisconsin, two condemned bronze or brass cannon or fieldpieces, and a suitable outfit of cannon balls;

To the city of Alturas, in the State of California, for the use of the General Canby Post, No. 165, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls;

To the city of Red Bluff, in the State of California, for the use of the Mansfield Post, No. 75, Grand Army of the Republic, two condemned fieldpieces or cannon, with a suitable outfit of cannon balls;

To the town of Corning, Cal., for the use of the Maywood Post, No. 184, Grand Army of the Republic, two condemned bronze or brass fieldpieces, with their carriages, with a suitable outfit of cannon balls;

To donate to Lieutenant Ezra S. Griffin Post, No. 139, Grand Army of the Republic, of Scranton, Pa., two condemned brass or bronze cannon, with suitable outfit of cannon balls;

To the city of Beloit, Kans., for the use of Beloit Post, No. 147, Grand Army of the Republic, Department of Kansas, two bronze or brass cannon, with their carriages and a suitable outfit of cannon balls;

To the village of Fort Johnson, N. Y., for the use of the Montgomery County Historical Society, two cannon or fieldpieces, with their carriages and outfit of cannon balls;

That the Secretary of War be authorized to furnish two gun carriages with cannon, one to be placed on each side of a boulder with a bronze tablet erected by the Commonwealth of Massachusetts in the town of Swansea, as a memorial for the Myles Garrison, who defended the people in the Indian war under King Philip:

*Provided*, That no expense shall be incurred by the United States through the delivery of any of the foregoing condemned military equipment: *And provided further*, That each and every article of condemned military equipment covered by this act shall be subject at all times to the order of the Secretary of War.

The SPEAKER. Is a second demanded? If not, a second will be considered as ordered.

Mr. HOWARD. Mr. Speaker, I ask unanimous consent to offer an amendment, which I will request that the Clerk will read.

The SPEAKER. The gentleman from Georgia asks unanimous consent to modify this bill by the paper which he sends to the desk. The Clerk will report it.

The Clerk read as follows:

On page 9, after line 9, insert a new paragraph, to read as follows: "To the city of Atlanta, in the State of Georgia, two bronze or brass cannon, with a suitable outfit of balls, the same to be placed in a public square or park in said city."

The SPEAKER. Is there objection?

There was no objection.

Mr. HAY. Mr. Speaker, I ask unanimous consent to modify the bill by the insertion of an amendment, which I send to the desk.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to modify the bill by the insertion of an amendment. The Clerk will report the amendment.

The Clerk read as follows:

To the city of Alexandria, Va., for the use of the R. E. Lee Camp of Confederate Veterans, two bronze or brass cannon, with their carriages and a suitable outfit of cannon balls.

The SPEAKER. Is there objection?

There was no objection.

Mr. ROUSE. Mr. Speaker, I ask leave to modify the bill in accordance with the amendment which I send to the Clerk's desk.

The SPEAKER. The gentleman from Kentucky [Mr. ROUSE] asks leave to modify the bill by a paper, which the Clerk will report.

The Clerk read as follows:

On page 9, at the end of the page, insert: "To the city of Dayton, in the State of Kentucky, two condemned bronze or brass cannon and a suitable outfit of cannon balls."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on suspending the rules and passing the bill as read.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to amend the bill by providing that there be donated one brass cannon.

Mr. MANN. An amendment must be in writing, Mr. Speaker.

Mr. LINTHICUM. I ask the gentleman to withhold his demand for the writing of the amendment.

The SPEAKER. The question is on suspending the rules and passing the bill as modified.

The question was taken; and (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

DEDICATION OF STATUE TO THOMAS JEFFERSON AT ST. LOUIS, MO.

Mr. HEFLIN. Mr. Speaker, I move to suspend the rules and pass the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 799.

Whereas the president of the Louisiana Purchase Exposition Co. has informed the Senate that with the approval of Congress, as expressed by an act of March 4, 1909, the Louisiana Purchase Exposition has erected upon the site of the world's fair in the city of St. Louis a memorial to Thomas Jefferson, at a cost of \$450,000, in commemoration of the acquisition of the Louisiana territory; and Whereas this statue of Mr. Jefferson is to be unveiled and dedicated on the one hundred and tenth anniversary of the signing of the Louisiana Purchase treaty, the 30th of April, 1913; and

Whereas the trustees in charge of this great memorial have, through the president of the exposition company, requested the presence of a committee of the House of Representatives to participate in the dedicatory services on the day named, to the end that the House make proper recognition of said invitation: Therefore be it

*Resolved.* That a committee of 12 members of the House of Representatives be appointed by the Speaker of the House to attend said ceremonies and represent the House of Representatives at the unveiling and dedication of said memorial.

Mr. COX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. I could not understand whether the gentleman from Alabama [Mr. HEFLIN] was asking unanimous consent for this or moving to suspend the rules.

Mr. HEFLIN. I moved to suspend the rules.

Mr. COX. I demand a second.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that a second be considered as ordered. Is there objection. [After a pause.] The Chair hears none. The gentleman from Alabama [Mr. HEFLIN] has 20 minutes, and the gentleman from Indiana [Mr. Cox] has 20.

Mr. HEFLIN. Mr. Speaker, I trust that the gentleman from Indiana [Mr. Cox] will not oppose the passage of this resolution. It provides for the appointment of 12 Members of the House—the Senate having already provided for the appointment of a delegation from that body—to go down to St. Louis on the 30th of April next and witness the unveiling of a monument to the greatest Democrat in the memory of man, Thomas Jefferson. [Applause.]

Mr. COX. Will the gentleman yield?

Mr. HEFLIN. I yield.

Mr. COX. I see the bill carries no appropriation. Is it intended that the Members appointed by the Speaker shall pay their own expenses?

Mr. HEFLIN. I am not certain about that. There is nothing said in the resolution about it.

Mr. COX. Does the gentleman know any fund or any way whereby they can get their expenses repaid?

Mr. HEFLIN. I will be very frank and state to the gentleman that, so far as I am concerned, I would be willing to have Congress pay the expenses of a delegation going from this Congress to witness the unveiling of a monument to a man who has done so much for humanity as Thomas Jefferson has. [Applause.]

Mr. COX. I have asked the gentleman a question. He answers, of course, in his own way, but not to my satisfaction.

Mr. HEFLIN. The gentleman would not like to have me answer it in his way, would he?

Mr. COX. With the gentleman's permission, I will put the question again. Does the gentleman know any way or any fund out of which the Members thus appointed can be paid their expenses?

Mr. HEFLIN. I am not certain about there being any fund. There may be. I trust that there is. I do not know about that. It would probably take an appropriation by Congress. I want to say to my friend who has asked me a question, but who is now listening to suggestions from some one else, if he will listen to me, I will enlighten him. [Laughter.]

The SPEAKER. The gentleman from Indiana will give attention to the gentleman from Alabama. [Laughter and applause.]

Mr. AUSTIN. I should like to ask the gentleman from Alabama if this committee could not hike it, as Gen. Rosalie Jones did? [Laughter.]

Mr. HEFLIN. Mr. Speaker, I am pretty certain that my friend does not intend to oppose this resolution, nor do I believe any gentleman on this floor will oppose it.

Mr. COX. Mr. Speaker, I want to say, in response to that, that I will not oppose it unless it is proposed that this junketing party shall be paid for at public expense. If that be the proposition, I shall oppose it.

Mr. HEFLIN. I will say, for the information and consolation of my friend, that it has been suggested to me that it will take an appropriation to pay the expenses of these gentlemen. If such an appropriation is proposed, then the gentlemen can raise his point and put himself on record as opposed to junketing trips.

Mr. COX. I will do it right now for that matter.

Mr. HEFLIN. But I do not consider the sending of a delegation of Congressmen to the unveiling of a monument to Thomas Jefferson as being a junketing trip. [Applause.]

Now, Mr. Speaker, I yield five minutes to the gentleman from St. Louis, Mr. DYER, and reserve the remainder of my time.

Mr. DYER. Mr. Speaker, this resolution, called up by the distinguished chairman of the Committee on Industrial Arts and Expositions, was introduced into the House of Representatives by the gentleman from Indiana [Mr. CULLOP] on January 28, 1913, and by me favorably reported to the House from the

Committee on Industrial Arts and Expositions February 5, 1913, and it is as follows:

Whereas the president of the Louisiana Purchase Exposition Co. has informed the Senate that, with the approval of Congress, as expressed by an act of March 4, 1909, the Louisiana Purchase Exposition has erected upon the site of the world's fair in the city of St. Louis a memorial to Thomas Jefferson, at a cost of \$450,000, in commemoration of the acquisition of the Louisiana territory; and

Whereas this statue of Mr. Jefferson is to be unveiled and dedicated on the one hundred and tenth anniversary of the signing of the Louisiana Purchase treaty, the 30th of April, 1913; and

Whereas the trustees in charge of this great memorial have, through the president of the exposition company, requested the presence of a committee of the House of Representatives to participate in the dedicatory services on the day named, to the end that the House make proper recognition of said invitation: Therefore be it

*Resolved,* That a committee of 12 Members of the House of Representatives be appointed by the Speaker of the House to attend said ceremonies and represent the House of Representatives at the unveiling and dedication of said memorial.

Mr. Speaker, the money that has been used to build this monument and memorial to Thomas Jefferson, amounting to \$450,000, was contributed in part by this Government out of money which it donated to the Louisiana Purchase Exposition, to the extent of \$150,000. An additional \$150,000 was contributed by the Louisiana Purchase Exposition Co., and an additional \$150,000, making a total of \$450,000, was contributed by the city of St. Louis.

This monument is a splendid memorial to Thomas Jefferson, and, in addition, it is to contain the archives of the Louisiana Purchase Exposition.

One of the greatest events in the history of this country was the acquisition of the Louisiana Purchase, and we of the city of St. Louis look upon this coming event of next April as one of national importance. The Senate of the United States has already appointed a committee to go to St. Louis on the 30th of April to witness and participate in this dedication. It would be humiliating, indeed, if the House of Representatives should fail to send a committee to participate, not in a local celebration, not in a junket, but an event that is the crowning glory of that great exposition.

To my mind, as a Member on this side of the House, Thomas Jefferson was one of the greatest Democratic statesmen that this country has ever produced. [Applause.] If there is any other to equal him, it is that great Missourian who to-day occupies the next to the highest office in this land, the Speaker of this House. [Loud applause.]

We Missourians, regardless of party, ought to have at least something that we might console ourselves with on the 4th of March. [Laughter and applause.] We feel, Mr. Speaker, when we go up the Avenue here and witness the scenes about this Chamber that a great event is to happen the day after tomorrow, and we of Missouri, regardless of party, believe that the ablest man in the history of that State, the greatest Democrat of to-day, as Jefferson was in his day, and the one who should have the right to be exalted on the 4th of March is Missouri's favorite son, the Hon. CHAMP CLARK. [Loud applause.]

I trust, Mr. Speaker, that the time that this applause has taken will not be taken out of my time. [Laughter.] I wish, Mr. Speaker, that this resolution might be unanimously adopted, as this monument and memorial will further emphasize to America the great national importance of the Louisiana Purchase Exposition held at St. Louis, and to the committee who shall come to St. Louis on April 30 for the dedication we will show them one of the most splendid memorials, not only to a great man, but one which will further teach the people of this country that the Louisiana Purchase was one of the, if not the greatest, events in the history of America. [Applause.]

Mr. COX. Mr. Speaker, at the risk of being called unpatriotic, as well as un-Democratic, I wish to enter my protest against this resolution unless this junketing party proposes to pay its own expenses. I know, and know full well, that I will be criticized for entering this protest and will be called a cheese-eating Member of Congress in raising my voice in protest to it. But what good will it do? What benefit will inure to the great mass of the American people? To what extent will it tend to immortalize the name of the great Thomas Jefferson by sending a bunch of Members of Congress there at public expense, with no other purpose on earth than to have a good junketing party at public expense?

I wonder whether the gentleman in charge of this bill would object to an amendment providing that the Members appointed to take this journey shall bear their own expense? I realize full well that the temper of the House this evening is such that it is a mere waste of breath to protest against this resolution. I saw it demonstrated this evening. A few men on this side of the House have stood here for the past few weeks, in season and out of season, talking and voting economy, and yet this

evening when the minority leader threw a challenge full and fair in the faces of us Democrats upon a small matter I saw my own party stand up here and go back upon the things they have stood for within the last 18 months.

The man that will stand on the floor of this House and talk for the men who are going to pay the bill in the last analysis does not get very far. I realize that he has not very many auditors to sit and listen to him. The gentleman from Georgia [Mr. RODDENBERRY] time and time again has called the attention of this side of the House to the enormous appropriation bills that were passing through here, and as certain as election day rolls around in 1914—let us be not deceived—the people are going to call us to account for it.

If this measure served any good or any benefit to the people, I would be the last man on the floor of the House to oppose it. But no benefit, no results, will be added to the honor, glory, grandeur, and greatness of Jefferson. Shall the Congress of the United States, merely because it has been asked and invited by the trustees of the Louisiana Purchase Exposition, send 24 men from Washington City to St. Louis, when later on they will be called upon to pay bills of two or three thousand dollars for their expenses? I protest against it. I protest against it because no good will come to the people. I protest against it because it will not add one iota to the greatness of Jefferson. Mr. Speaker, I reserve the balance of my time.

Mr. HEFLIN. Mr. Speaker, how much time did the gentleman from Indiana consume?

The SPEAKER. Five minutes.

Mr. HEFLIN. Mr. Speaker, I would like to have the gentleman consume some more of his time.

Mr. COX. Mr. Speaker, will the gentleman from Alabama yield for a question?

Mr. HEFLIN. Certainly.

Mr. COX. That is as to whether or not the gentleman in charge of the bill would consent to have this amendment incorporated in his resolution:

*Provided*, Said Members of the House appointed under this resolution shall bear their own expenses.

Mr. HEFLIN. Mr. Speaker, the gentleman has 20 minutes at his disposal in which to express his views on this matter. I realize the importance of time, and I do not want to consume it unnecessarily. The gentleman from Missouri [Mr. DYER] represents the district in which this monument has been erected, and I think the gentleman from Indiana [Mr. Cox] is about the only man in the House who wants to oppose the resolution.

Mr. COX. That might be.

Mr. HEFLIN. I am not authorized to open the resolution for amendment. The gentleman from Missouri [Mr. DYER] is the Member who reported the resolution from my committee. The gentleman from Indiana [Mr. CULLOP], the gentleman's colleague, was the chairman of the subcommittee, the author of the resolution.

Mr. COX. Mr. Speaker, I put the question to the gentleman because he is in charge of the resolution on the floor of the House.

Mr. HEFLIN. Mr. Speaker, I yield three minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Speaker, there ought not to be a single vote cast against this resolution. The Louisiana purchase was one of the greatest events in the history of our country. A great domain of approximately 400,000,000 acres was purchased for \$15,000,000, or about 3 cents an acre. It was obtained by the wisdom and statesmanship of Thomas Jefferson. That great historical event was fittingly celebrated in the city of St. Louis nine years ago, 100 years after the purchase of that great domain. The great exposition celebrating that event was one of the greatest world's fairs this country has ever seen, and one of the most successful. This Government participated in that exposition and contributed materially toward its success. It even loaned the Louisiana Purchase Exposition management \$4,600,000, and to the surprise of this Congress and of the country the exposition company paid back every dollar of that loan.

After the exposition was over and money had been made, instead of distributing it among the stockholders it was proposed to expend the money in building a monument upon the grounds where the exposition was held—a great memorial—to Thomas Jefferson, whose wisdom and statesmanship had procured that great domain. It is now proposed by the management of that exposition company on April 30 next, the anniversary of this great and important event, to unveil and dedicate that monument. It will certainly be appropriate for the Government to participate, and Congress should be represented on that great occasion. I do not know whether there will ever be an effort made to appropriate money to pay the expenses of

the delegates who may go there, but if there should be it is time enough to fight that appropriation when the proposition is made. This resolution does not ask for or appropriate a dollar. Sufficient unto the day is the evil thereof. So far as I am concerned, I am willing that this resolution should be passed and that the men should go there at their own expense or at the expense of the Government, as may hereafter be determined.

Mr. COX. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. FOSTER].

Mr. FOSTER. Mr. Speaker, I live close to the city of St. Louis. I regard it as one of the greatest cities of the country. Its citizens are an enterprising people and I commend them for building this monument to the great American citizen. The district I have the honor to represent extends within a few miles of the city of St. Louis. I believe as much as any man in this House in the principles of government as laid down by Thomas Jefferson, but I also believe that Thomas Jefferson never taught the American Congress that they ought to provide junketing trips for Members of Congress to go 1,000 miles from home. He did teach economy in governmental affairs and believed in lightening the burdens of those who toil. It is all very well that men should appear at St. Louis at the unveiling of this monument to do honor to the name of Jefferson, but let us have some regard for the taxpayers, too, when a thing is useless.

Mr. JAMES. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. FOSTER. Yes.

Mr. JAMES. How did the gentleman vote on the question of the memorial to Abraham Lincoln?

Mr. FOSTER. I voted the other day to locate the memorial in Potomac Park, the same as the gentleman from Kentucky.

Mr. JAMES. For \$2,000,000?

Mr. FOSTER. Yes. The original bill carried that amount, which passed some time ago.

Mr. JAMES. And yet the gentleman is raising a row about paying the expenses of some gentlemen who may attend to celebrate the unveiling of a monument to Thomas Jefferson. [Applause.]

Mr. FOSTER. Mr. Speaker, let me say to the gentleman from Kentucky that I did not vote for any junketing trips in honor of Abraham Lincoln. I voted for a real monument to that great man, who did so much for this Union, and I would be willing to vote for a real monument to Thomas Jefferson that would do honor to his memory, but not to pay money out of the United States Treasury to send men out on a junketing trip over the country. That is not honoring the name of Thomas Jefferson.

Mr. JAMES. Will the gentleman yield?

Mr. FOSTER. Would the gentleman from Kentucky be willing to be appointed on this committee, at his own expense, and show his patriotism toward his country and honor toward Thomas Jefferson by paying his own expenses to the city of St. Louis?

Mr. JAMES. Will the gentleman yield for an answer?

The SPEAKER. Will the gentleman from Illinois yield to the Senator from Kentucky. [Applause.]

Mr. FOSTER. I do.

Mr. JAMES. I want to ask the gentleman this question: So far as the gentleman from Kentucky is concerned, he does not expect to be a member of this committee, and would not accept a place upon this committee, but I regard it as a cheap appeal to the spirit of demagogery for a man to assert upon this floor that the Congress of the United States ought to send a delegation of its membership to the unveiling of a monument to the greatest Democrat this world ever grew and say that they ought to pay their own expenses. [Applause.]

Mr. FOSTER. Mr. Speaker, I have not asked anyone to go, but, in the opinion of the gentleman from Kentucky, it may be demagogery to save to those who labor in season and out of season, those who earn their bread by the sweat of their faces, who must go down in their pockets to pay the expenses of the Government, to come here to this Congress and say to the American people it is demagogery when you want to save that tax to the American people. Mr. Speaker, that I should stand upon this floor and be characterized by the Senator from Kentucky that it is cheap demagogery for me to do that, I say to him I glory in the distinction that he gives me. [Applause.] I have heard the gentleman from Kentucky appeal to Members of this House and appeal to the country to lighten the burdens that are upon the backs of the American people. Is he so soon to forget his appeal when he is about to leave this House?

The SPEAKER. The time of the gentleman has expired.

Mr. COX. How much time have I remaining?

**THE SPEAKER.** Nine minutes.

**MR. COX.** I yield the gentleman two minutes.

**MR. FOSTER.** And yet we are told here to-night by the gentleman from Kentucky, after his long service in this House, which has been a distinguished service, that in asking that the burdens be taken off those who toil, that any man who stands upon the floor of this House and asks to save something, though it may be small, to the people, is engaged in cheap demagogery. [Applause.] I welcome the name he gives me, as I am trying to save money to the Treasury. I say to him, go back to his home in Kentucky and tell the people there that he has voted to take from their pockets and from their earnings to pay for a junketing trip for men who do not honor the name of Thomas Jefferson more than he is honored at this time. Mr. Speaker, I realize that it is not a large matter, that the appropriation, if made, would not be large, yet I believe that I have the right to stand upon the floor as one Member and protest against such a useless appropriation. It is easy to be patriotic in spending money when it comes out of the pocket of some one else. Real patriotism means to save to those who pay the taxes whenever possible to do so. It means economy with other people's money.

**MR. COX.** Mr. Speaker, I yield three minutes to the gentleman from Wisconsin [Mr. BERGER].

**MR. BERGER.** Mr. Speaker, I am against this bill because the bill is trying to obtain money under false pretenses. [Laughter.] I am against this bill because, as the Senator from Kentucky rightly said, it is a foregone conclusion that Congress will eventually pay the expenses of the delegation. Moreover I remember about a year ago the gentleman from Indiana opposed the raising of wages of Government clerks from \$600 to \$720 on the pretext of economy, and on this occasion he is willing to spend money on a junketing trip without even stating what the sum is to be—

**MR. COX.** The gentleman says "the gentleman from Indiana."

**MR. BERGER.** I mean Mr. CULLOP, who is the author of the bill.

**MR. HEFLIN.** Will the gentleman yield?

**MR. BERGER.** I have only three minutes and I can not yield to the gentleman from Alabama unless you give me time. Thomas Jefferson needs no monument of stone or brick. He has built a different kind of monument for himself. I really believe if Thomas Jefferson lived to-day he would oppose a bill of this kind. [Laughter and applause.]

**MR. KINDRED.** Will the gentleman yield for a brief question?

**MR. BERGER.** I can not because I have not the time. If we proceed in this way then we might send a delegation of 12 Representatives to St. Louis this week to the unveiling of a statue of Jefferson, one next month to New York to the unveiling of a statue of Hamilton, and then one again to San Francisco for some similar occasion. The bill establishes a bad precedent, if it should pass, and there will be no end to our spending money for junkets. Therefore I am against the bill.

**MR. COX.** Will the gentleman from Alabama use some of his time? I have only four minutes.

**THE SPEAKER.** The gentleman from Indiana has four minutes and the gentleman from Alabama seven minutes.

**MR. HEFLIN.** Mr. Speaker, I yield two minutes to the gentleman from Missouri [Mr. BARTHOLDT].

**MR. BARTHOLDT.** Mr. Speaker, the memorial to Thomas Jefferson, of which we speak, has been reared in the district which I have the honor to represent on this floor. As far as we know, it is the only memorial that has ever been erected upon American soil to the memory of Thomas Jefferson, and I think it would be fitting, indeed, if this ceremony, which is to take place on the 30th of April, would be clothed with the dignity of national representation.

Of course, we in St. Louis could easily pay the expenses of these gentlemen, but it never occurred to us that there would be anyone in Congress who would refuse to lend national dignity to this affair by sending the delegation on behalf and in the name of the American Congress at the expense of the United States Government. [Applause.] This memorial, Mr. Speaker, is not a simple affair. It is going to contain the archives of Thomas Jefferson. It is going to be a counterpart to that splendid memorial which is to be erected on the banks of the Potomac to the memory of Abraham Lincoln, and could you imagine a more fitting place for a Jefferson memorial than in the city of St. Louis, the great metropolis in the territory of the Louisiana Purchase, a great achievement of Thomas Jefferson, if not the very greatest, in his illustrious career. [Applause.]

**MR. SPEAKER,** in all frankness, is it not about time to stop the practice of stigmatizing as a junket every official participation of Representatives of the national legislative body in celebrations like the one now under discussion? Such practice, in my judgment, detracts from the dignity of Congress and belittles this great body in the eyes of the people. I do not believe that Congress ever did authorize anything that might with justice be termed a junket, for that term implies participation by Congress in an event having an unnecessary or unworthy purpose. The proposed Jefferson celebration at St. Louis is intended to subserve a great national purpose. It will be the culmination of the greatest international exposition ever held in this or any other country and a last and fitting tribute by the present generation to commemorate one of the greatest events in America's history. The people of St. Louis, I believe, are really entitled to the gratitude of the Nation for their patriotic contribution to the number of great American monuments and for the opportunity they are giving Congress to participate in this national celebration. I hope the resolution will pass without a dissenting vote. [Applause.]

**MR. COX.** Is the gentleman from Alabama [Mr. HEFLIN] going to use all of his time in which to close?

**MR. HEFLIN.** I would like the gentleman to use some of his time.

**MR. COX.** There is going to be only one more speech on this side.

**MR. HEFLIN.** I yield two minutes to the gentleman from Georgia [Mr. EDWARDS].

**MR. EDWARDS.** Mr. Speaker, there is existing in this House a disease with certain gentlemen that we might call "economitis." It is spasmodic and for home consumption.

These gentlemen, in their crust-paring speeches, remind me of the story of the negro who went to his boss man after slavery time and told him that he was going to get a divorce from his wife. The boss man said to him: "Sam, you have not been married more than two weeks. Do you want a divorce already?" "Yes, sah; I have got to have a divo'ce." "What is the trouble?" "Well, all the time it is money, money, money." "You better go and try to live together." "No, sah, Boss, I cain't live with that nigger." "Tell me what the trouble is." "Well, ev'ry time I comes home its money, money, money, all de time." "Well, what does she do with it?" "Gawd knows, Boss; I habn't given her none yit." [Laughter.]

And that seems to be the case here. We haven't given any yet for a monument to Jefferson. We erect monuments to Washington, Lincoln, Sherman, Columbus, and others, but not a monument has been erected to Thomas Jefferson, the greatest man this country has ever produced. And I think it comes with bad grace on the part of Democrats to oppose this measure, when, in point of fact, it does not appropriate or carry a single dollar of Government funds. But even if it did carry an appropriation to bear this expense it would not exceed \$250 or \$300. And the idea of Representatives standing on the floor of this House and opposing this measure, when the people of that section have done such a magnificent thing as to expend \$450,000 to erect a magnificent monument to Thomas Jefferson, and object to such a meritorious thing, should not appeal to Democrats, at least.

**MR. COX.** Mr. Speaker, just a word. I was not insensible to the fact that I would lay myself open to severe criticism and censure because I raised this protest. I am perfectly willing to bear the odium. I am perfectly willing to bear the censure; aye, Mr. Speaker, I am willing to be called a demagogue by the gentleman from Kentucky [MR. JAMES]—perfectly willing to accept it—and if my statements and my conduct on the floor of this House in standing for economy be demagogery, let the gentleman from Kentucky take it back to his native State and make the most of it. Time and time again I have heard his loud voice, as he stood on the floor of this House, shouting, talking about lifting the burdens—lifting the burdens—from the great common people of this country. [Laughter.]

No man, from his infancy up to this hour, has been a more consistent follower or believer in the doctrine taught by Thomas Jefferson than I have. One of the cardinal principles of the doctrine of Jefferson was that no money should be taken from the Public Treasury except it be for the public use, and then to the end only that the burdens of labor might be lessened.

Something has been injected here about the great World's Fair at St. Louis. I remember it developed here in the discussion on the floor of this House the other day, and I took occasion to look it up. The American people were taxed, in round numbers, \$5,000,000 to maintain that exposition, which was never refunded to them. After all, Mr. Speaker, it simply boils itself down to the one proposition. Shall we pass this bill for the sole and express purpose of giving 12 men a junketing trip?

It is perfectly apparent, perfectly patent and plain to anyone, that later on Congress will be asked to appropriate money to pay this expense, because I put the query to the gentleman in charge of the bill a moment ago, whether or not he would consent that an amendment be incorporated here, precluding the expense, and he evaded the question, showing that he was unwilling that the amendment should be incorporated here.

I have no objection to the entire membership of the House and Senate going to the unveiling of that monument if they are willing to go there at their own expense.

The gentleman from Georgia [Mr. EDWARDS] may criticize economy all he pleases, but let me inform him, Mr. Speaker, that he would not talk that way if he lived in the State of Indiana, where he had to go up against the real steel of a Republican Party. He would be called on the green carpet there to render an account of his stewardship here. He would be called upon to answer to the question, "Why did you vote this out of the Public Treasury?" if he lived where he had a Republican after him 24 hours of every day, making him explain these things. I can understand why he is willing to run his arms into the Treasury of the United States. It is because he has no opposition.

The SPEAKER. The time of the gentleman from Indiana has expired.

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

The SPEAKER. The gentleman's time has expired, and he can not yield for a question.

Mr. HEFLIN. Mr. Speaker, I yield four minutes, the remainder of my time, to that great Democrat from Kentucky, OLLIE JAMES. [Applause.]

The SPEAKER. The gentleman from Kentucky [Mr. JAMES] is recognized for four minutes.

Mr. JAMES. Mr. Speaker, I have heard of Democrats of different grades [laughter], but I never expected to hear of a Democrat who would undertake to economize at the expense of the glory of the father of Democracy. [Applause.] My distinguished twin brothers of one-cent economy, who sit in front of me [laughter], protest they are terribly aroused lest the memory of that great man who wrote that chart of human liberty that has been transcribed into every language of the earth and has served the arm of peoples in distant lands to fight for liberty [applause] should be held lightly; and yet these gentlemen would ask the great American Congress of the greatest Republic in all the tide of time to be so cheap, to be so stingy, as to send, at their own expense or not at all, its delegation to the city of St. Louis, a city whose magnanimous democracy had willingly given from their own pockets \$450,000 to erect this statue—to be so miserly that we would not send a delegation of our own there unless they paid their own expenses. [Applause.] The delegation goes, if it goes at all, to represent the Nation, in its honor, its glory, its dignity, yea, its gratitude, to the one who founded it. They go at our command; we should defray their expenses. Why, gentlemen, let me tell you, there is no man upon this floor that has struggled more for economy than I have, but I have battled that that economy shall come in a sane way; but it can not come from the petty tactics of gentlemen here who would undertake to go back home and say to the great democracy, "Send me back to Congress; I kept a delegation from going from the Congress of the United States to participate in the unveiling of a monument to the memory of the great Thomas Jefferson, of Virginia, the father of Democracy, the evangel of freedom." [Great applause.]

The SPEAKER. The question is, Shall the rules be suspended and this resolution passed?

The question was taken.

The SPEAKER. Evidently two-thirds having voted in the affirmative—

Mr. COX. A division, Mr. Speaker.

Mr. HEFLIN. Mr. Speaker, I myself was about to ask for a division. [Laughter.]

The SPEAKER. Both of you can get it. Those in favor of suspending the rules and passing this resolution will rise in their places and stand until they are counted. [After counting.] Two hundred and five gentlemen have risen in the affirmative. Those opposed will rise and stand until they are counted. [After counting.] Twenty-one gentlemen have risen in the negative. On this vote the ayes are 205 and the noes are 21. Two-thirds having voted in the affirmative, the rules are suspended and the resolution is agreed to. [Applause.]

#### SUPERVISION OF THE LINCOLN MEMORIAL.

Mr. MANN. Mr. Speaker, in the absence of my colleague [Mr. CANNON], who is engaged in a conference committee, and at his request and with my own hearty support, I ask unani-

mous consent that the Chair lay before the House the bill (S. 8580) relating to the supervision of the Lincoln Memorial, for immediate consideration.

The SPEAKER. The Chair lays before the House Senate bill S. 8580. The Clerk will report it.

The bill was read, as follows:

*Be it enacted, etc.*, That in the exercise of its control and direction for the construction of the Lincoln Memorial, authorized by act of Congress approved February 9, 1911, the commission created by said act shall designate to perform the duty of special resident commissioner to represent the commission in the oversight of the work the Hon. SHELBY M. CULLOM, who, at the time of the adoption of this act, is the senior member of the commission in continuous service of the United States; and for the special service of the member so designated he shall be entitled to receive compensation at the rate of \$5,000 a year out of the appropriations for the construction of such memorial.

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

There was no objection.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

#### LEAVE TO EXTEND REMARKS.

Mr. NORRIS. Mr. Speaker, I ask unanimous consent that all gentlemen who have spoken on the bill relating to publicity in the taking of evidence be granted leave to extend their remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that all Members who spoke on the bill referred to by him shall have the right to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. DYER. Mr. Speaker, I ask unanimous consent that I may extend my remarks on the Jefferson memorial resolution.

Mr. EDWARDS. I make a similar request.

The SPEAKER. Is there objection?

There was no objection.

#### ROBERT N. CAMPBELL.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6877) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army.

The bill was read as follows:

*Be it enacted, etc.*, That the President of the United States be, and he is hereby, authorized to appoint Robert N. Campbell a first lieutenant in the Coast Artillery Corps, United States Army, to take rank next after First Lieut. Robert O. Edwards, Coast Artillery Corps, the said Robert N. Campbell having served for a period of eight years and six months, from June, 1902, to December, 1910.

Sec. 2. That the said Robert N. Campbell shall receive no pay or emolument except from the date of his appointment.

Mr. AUSTIN. Mr. Speaker, this bill has been unanimously reported—

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

Mr. SABATH. I object.

Mr. AUSTIN. Mr. Speaker, I move to suspend the rules and pass this bill.

The SPEAKER. The gentleman from Tennessee moves to suspend the rules and pass the bill.

Mr. SABATH. I demand a second.

Mr. AUSTIN. I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to considering a second as ordered?

There was no objection.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] has 20 minutes and the gentleman from Illinois [Mr. SABATH] 20 minutes.

Mr. AUSTIN. Mr. Speaker, this is a bill that was unanimously reported to the Senate, passed the Senate by a unanimous vote, came to the House, and is now up for passage. A similar bill has been introduced in the House, referred to the Committee on Military Affairs, and favorably reported by the unanimous vote of that committee, and its passage is recommended by the Secretary of War. In a letter to the Committee on Military Affairs, the Secretary of War states:

He was educated for the service, and while in it was an excellent officer. It is believed to be to the advantage of the United States, and would violate the rights of no officer now in the service, should Mr. Campbell be again commissioned as provided in House bill 24739. Favorable action is accordingly recommended by the War Department.

The President of the United States is constantly appointing men from private life to fill vacancies in the Army. This young man has been out of the service for six years. He was educated at West Point, and has had six or eight years practical experience in the Army, where his record was excellent. Now the Government needs his services.

Mr. SABATH. Can the gentleman explain to me why he went out of the service?

Mr. AUSTIN. He went out voluntarily, resigned to enter business.

Mr. SABATH. And has failed in business, has he not?

Mr. AUSTIN. He has not failed in business.

Mr. SAMUEL W. SMITH. What does the gentleman from Tennessee propose to do?

Mr. AUSTIN. To reinstate him in the Army.

Mr. SAMUEL W. SMITH. At what grade?

Mr. AUSTIN. He was a first lieutenant when he resigned.

Mr. SAMUEL W. SMITH. And you are going to restore him as first lieutenant?

Mr. AUSTIN. Yes; when he tendered his resignation it was to take charge of a large estate owned by some relative, but that having been settled and disposed of, he proposes now to re-enter the service of the United States.

Mr. SABATH. How old is he?

Mr. AUSTIN. He graduated from West Point in 1902—I should say he was thirty-one or two years of age, right in the prime of life. He is well known to the gentleman from Connecticut [Mr. TILSON], of the Military Affairs Committee, which reported this bill. He belongs to a prominent family at Johnson City, Tenn. He has all the confidence of the officers under whom he served.

Mr. HARDWICK. Do I understand the gentleman to say that the Government needs officers in the Army?

Mr. AUSTIN. Yes.

Mr. HARDWICK. And that we haven't got enough now, but have to appoint more?

Mr. AUSTIN. Yes.

Mr. HARDWICK. Is the gentleman positive about that?

Mr. AUSTIN. We held an examination last year for appointments.

Mr. HARDWICK. Yes; we do that. But I mean at this particular time.

Mr. TILSON. Mr. Speaker, they are constantly appointing officers, because there are vacancies occurring all the time.

Mr. AUSTIN. Mr. Speaker, I yield two minutes to the gentleman from Connecticut [Mr. TILSON].

Mr. TILSON. Mr. Speaker, it happens that I know this young man, and I know something of the circumstances under which he went out of the Army. He went out to take up business. He did not fail in business, but after attending to some special work that he went out to do, the call of the Army was such that it drew him back irresistibly, and he began at once to seek to return to the work for which he had been educated. I think it commendable on his part that he should seek to go back into the service which he ought not to have left.

Mr. HOWARD. Will the gentleman yield?

Mr. TILSON. Certainly.

Mr. HOWARD. I notice that you say he shall be reinstated after Lieut. Robert O. Edwards. Do you mean to bracket this man and carry him up and let him lose nothing by this six or eight years' absence?

Mr. TILSON. He has not been out of the service for six or eight years.

Mr. HOWARD. How long has he been out of the service?

Mr. TILSON. I do not know, exactly.

Mr. MANN. He resigned December 31, 1910.

Mr. HOWARD. Have any promotions been made in the service since that time?

Mr. TILSON. Oh, undoubtedly a number of files have been advanced.

Mr. HOWARD. And this man Edwards is in the same position now as this man would have been in if he had stayed in the service. Is that true?

Mr. TILSON. Every man behind him will be held back one file.

Mr. SAMUEL W. SMITH. May I ask the gentleman why he should not take the place that he would have if he was just appointed?

Mr. TILSON. The gentleman must understand that by so doing he would be placed below the rank of those that went out with him, the men in the class with him, and so down.

Mr. SAMUEL W. SMITH. Why should not he be, as he has not been in the service of the United States for three years?

Mr. HARDWICK. If the man stood an examination he would have to go below these men.

Mr. TILSON. If he went in that way, he would begin all over again and would have to enter as a second lieutenant.

Mr. HARDWICK. Why should not he; he was out all this time?

Mr. TILSON. He has had all of the training up to this point as a first lieutenant.

Mr. HARDWICK. Yes; but he ought not to take the rank that is given him by this bill.

Mr. SAMUEL W. SMITH. Does the gentleman think he ought to take the place of those who have been in the service all along?

Mr. HOWARD. Mr. Speaker, the reinstatement of an officer either in the Army or the Navy or the Marine Corps, ordinarily, when he quit of his own volition is a dangerous precedent to set. In May, 1911, I introduced in this House a bill for the reinstatement of Lieut. Col. Constantine Marast Perkins, of Georgia, who was Dreyfused out of the service, charged with mental incapacity for the discharge of the duties of his rank. It was a blot upon the history of the American Navy, and it was so stated by the entire Committee on Naval Affairs in making the report to the House. Time and time again, with all the evidence in this case showing that certain officers of the Marine Corps had an ulterior motive in Dreyfusing this man out of the service, I have tried to have this Congress do justice to this officer, who served 32 years for his country and on every occasion demonstrated his courage and unusual fitness to command men. Yet the gentleman from Illinois [Mr. MANN] has invariably objected, and this officer has been kept from enjoying the rights of a brave soldier in the service of his country. This man did not go out voluntarily, but involuntarily, and as the distinguished gentleman from Mississippi who made the report for the Naval Committee in the case said, "This is one dark blot on the luster of the American Navy," and it should be removed. Yet in the face of this unanimous report, in the face of the report from the Marine Corps and from the Navy Department, I have been unable to persuade the gentleman from Illinois [Mr. MANN] that this gallant officer ought to go back into the service. I do not feel that I would be just to this chivalrous Georgian if I stood in my place and allowed a man of wealth, a man of prestige, to be reinstated, when he resigned from his post after having received an education at an expense of \$18,000 on the part of the Government.

If this man goes back in the service, this splendid officer who was kicked out of the American Navy will go back. We can not make fish of one and fowl of another. The officer this bill seeks to restore has been out of the service a year or two years, as the gentleman from Illinois says. They bracketed this man, and they carried him as an extra number, and he goes on up. He does not lose one solitary, single day in his longevity pay, and I am against any effort on the part of any gentleman on the floor of this House to reinstate this man, because I am thoroughly convinced that there is not a more worthy case pending in Congress than the case of Lieut. Col. Perkins.

The SPEAKER. The time of the gentleman has expired.

Mr. SABATH. Mr. Speaker, I yield two minutes more to the gentleman.

Mr. HOWARD. Mr. Speaker, for seven long weeks, day in and day out, Republican and Democratic Members heard the testimony in this case. The department reversed itself; and for the personal reason that somebody will probably be skinned if this gallant officer is reinstated, I have been balked in meting out justice to this man in the American Congress. You come in here with these personal bills for reinstatement. This man voluntarily resigned from the service. He was in a position to resign. I do not know whether he has made a failure in business or not. I have no disparaging word for this young man who seeks to go back into the service he loves, but I do say it is unjust to keep this bill of Col. Perkins on the Private Calendar for nearly two years, and for one man not to allow Congress to consider it for one single moment.

Col. Perkins will go back in the service if I live. He has proven the finding of the retiring board in his case to be a gross calumny. The Judge Advocate General of the Navy Department, who reviewed the testimony submitted, reversed its findings and said it had nothing upon which to base its judgment.

Col. Perkins is in the prime of life, magnificently equipped professionally, mentally, and physically to again discharge the duties of his beloved profession which he discharged so efficiently and so faithfully for 32 years without one blot upon it. Oh, if I had the time, how I could uncover the skeletons in the closets of those who perpetrated this outrage.

Mr. SABATH. Mr. Speaker, I yield seven minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, this bill is to provide for the reinstatement of an officer in the Army. There is no information contained in the report on the Senate bill except a reference to a report upon a House bill somewhat similar, and there is scarcely any information in the report on the House bill. The House bill proposes to reinstate this officer to take rank next after First Lieut. John G. Holtz. The Senate bill proposes to reinstate him to take rank next after First Lieut. Robert O.

Edwards. There has been not a suggestion made in the report or elsewhere to indicate why the officer should be reinstated to take rank after either one of these gentlemen, and no reason given for the change of the opinion of the committee that first recommended that the officer take rank, if reinstated, after Holtz and later that he should take rank after Edwards. In the House bill as originally introduced there was provision that this officer should have the benefit, when reinstated, of longevity pay based on the time he had been out of the Army as well as upon the time he has been in the Army. That probably represents his feeling and attitude in reference to the Army.

This man was sent to the Military Academy and graduated from there in 1906. My recollection is that the boys who go to the academy sign an agreement that they will serve in the Army for a period of time. May I ask some member of the Military Affairs Committee how long they do agree to serve?

Mr. AUSTIN. My recollection is, so far as the Navy is concerned, that it is eight years, including the four years time in the Naval Academy, and I think the same rule applies to the Army.

Mr. McKELLAR. It is four years.

Mr. MANN. I thought it was six years, and I still think it is six.

Mr. KAHN. It is four years.

Mr. MANN. I accept the gentleman's statement.

Mr. McKELLAR. I thank the gentleman for accepting the statement of the gentleman from California instead of mine.

Mr. MANN. Oh, I had another subsequent statement after the gentleman from Tennessee had informed me. If he was to serve four years, he served four years and then resigned. Having resigned, if he wants to go back in the Army let him go back without taking the place or numbers of any man who remained in the Army. He wants to go back in and displace in number some man who remained in the Army. These men who were educated at the expense of the Government and then leave the service while they are still boys to try their business capacity and find they have not business capacity, if they want to go back in the Army they ought not to displace in numbers the men who remain in the service of the Army. It is not treating the man who stays in fairly. This man asks to go back in the same place that he held when he went out. It ought not to be allowed, and the bill ought not to pass.

Mr. AUSTIN. Mr. Speaker, I yield three minutes to my colleague from Tennessee [Mr. McKELLAR], who reported this bill.

Mr. McKELLAR. Mr. Speaker, I think the gentleman from Illinois [Mr. MANN] is unduly alarmed about this matter. The fact is that the House Committee on Military Affairs first reported this bill providing that Mr. Campbell should have virtually the same place that he would have had if he had not resigned from the Army. He resigned only a short time before this bill was originally introduced, and at the time there were only a few numbers between where he was when he left the military service and where he would have been if he had been put back again. Now, between the time the bill was first reported to the House and the time it was reported to the Senate, there were many numbers intervening, and, therefore, the Senate amended the bill by putting Mr. Campbell, not ahead of any other officer, but where he would be if he were to go in the Army to-day. In other words, Mr. Campbell has lost some 70 numbers by reason of his being out of the Army only about two years. He goes back considerably behind his class; almost two years behind his class. Mr. Campbell is a fine officer. He made an excellent record at West Point; was a good officer in the Army, and a gentleman of the highest standing and integrity. He is from my State. I know him personally, and am sure if he is reinstated in the Army we will make no mistake in putting him back. This bill was sent to the War Department. Mr. Campbell had good reasons for resigning, and they were family reasons. The matter was laid before the War Department, and there is a recommendation from the War Department that Mr. Campbell be reinstated in the service of the Army. He is a capable and efficient officer, and the War Department desires his services.

Mr. SABATH. Will the gentleman yield?

Mr. McKELLAR. I will.

Mr. SABATH. Does the report show where there is such a recommendation?

Mr. McKELLAR. I do not think the Senate report is full, but the report of the House Committee on Military Affairs shows all the facts. The gentleman from Illinois was correct about the report not being in full, and it does not show the numbers that Mr. Campbell lost, but as a matter of fact he did lose about 70 numbers, as can be seen by looking at the Army Register, and he is certainly entitled to go back into the

Army, because he had been educated at great expense by the Government—some \$19,000 in all—is a robust man, and the Army officials desire his return.

Mr. SABATH. Why did not he remain there if he was educated at this great expense?

Mr. McKELLAR. Because of deaths in his family, and he had to go home to make a living for those who were dependent upon him.

Mr. HOWARD. If the gentleman will permit, I thoroughly agree with him that these able-bodied men under ordinary circumstances ought to go back in the service. Does he go to the tail of the list or is not he a bracketed number and carried up ahead of a whole lot of men who stayed in the service?

Mr. McKELLAR. Oh, no; he is not put ahead of anyone.

Mr. HOWARD. Why does the gentleman specify in this bill that he is to be reinstated next after a certain man if he is not a bracketed number?

Mr. McKELLAR. If the gentleman will examine the Army Register, he will find he is the last of the list.

Mr. HOWARD. That is a complete answer if he is the last.

The SPEAKER. The time of the gentleman has expired. [Cries of "Vote!"]

The SPEAKER. The question is, shall the rules be suspended and this bill passed.

The question was taken.

The SPEAKER. In the judgment of the Chair, two-thirds having voted in the affirmative—

Mr. SABATH. Division, Mr. Speaker.

The House divided.

The SPEAKER. On this question the ayes are 115, the noes are 39; two-thirds having voted—

Mr. MANN. Reserving the right to make a point of no quorum—

The SPEAKER. For what purpose does the gentleman from Illinois [Mr. MANN] rise?

Mr. MANN. To reserve the right to make a point of no quorum for a moment.

Mr. SABATH. Mr. Speaker, the point of no quorum has been made by the gentleman from Ohio [Mr. SHERWOOD].

Mr. MANN. I was going to say, Mr. Speaker, it is a very delicate matter to make a point of no quorum at this time in the session. Probably a quorum would not be secured, and I shall not make the point of no quorum on this bill. But if any other bills of this character come before the House, it will require a quorum to be present in order to pass them.

Mr. SLAYDEN rose.

The SPEAKER. For what purpose does the gentleman from Texas [Mr. SLAYDEN] rise?

Mr. SLAYDEN. Does the Speaker refer to me?

The SPEAKER. The gentleman was addressing the Chair.

Mr. SLAYDEN. But I did not think the Chair recognized that fact. I want to make a suggestion as to the observation made by the gentleman from Illinois. There is behind this bill one other bill that I happen to be advised about, which is not like this in the essential points, but is like it in that it proposes to take a man now on the retired list and put him to work for the Government. He is drawing three-quarters pay.

Mr. LINTHICUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. LINTHICUM. What is the point before the House?

The SPEAKER. Nothing at all.

Mr. COX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. The gentleman from Ohio [Mr. SHERWOOD] made a point of order a moment ago that there was not a quorum present.

The SPEAKER. The Chair did not hear the gentleman from Ohio, and the gentleman from Ohio did not rise from his seat.

Mr. COX. Then, Mr. Speaker, I make the point of order on the bill.

Mr. McKELLAR. Is it not too late?

Mr. SPEAKER. Not in the condition of affairs at present.

Mr. COX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. Did I understand the Speaker a moment ago to say that he did not hear the gentleman from Ohio [Mr. SHERWOOD], who did make the point of order?

The SPEAKER. It does not make any difference whether the Chair heard him or not. The gentleman from Indiana himself has made the point of order.

Mr. COX. If I can not make the point of order on the bill that went through a moment ago I will withdraw—

The SPEAKER. The gentleman has already made the point of order.

Mr. COX. All right; I will make the point of order.

The SPEAKER. The gentleman has already done that, and there is no use of wasting any more time concerning it. The Chair will count to see if there is a quorum present. [After counting:]

Mr. COX. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COX. Has a Member the right to make a point of order and ask leave to withdraw it?

The SPEAKER. Certainly.

Mr. COX. That was what I was trying to do a while ago, Mr. Speaker, but the Speaker did not understand it.

The SPEAKER. Does the gentleman want to withdraw it?

Mr. COX. Yes; that is what I wanted to state a while ago.

The SPEAKER. There was so much confusion the Chair could not hear. The Chair wants to state to Members that the rule requires when a gentleman demands a division he shall rise from his seat and demand it, and the same is true as to making a point of order, so as to give the Chair a fair chance to know who the Member is. Some man in the House, not a Member at all, might do it. One day about two weeks ago there was a gentleman sitting here. He was not trying to make a point of order, as he was not a Member of the House. But sitting over here, he remarked to his neighbor, loud enough for the Chair to hear, something as to raising a point of order, and the Chair thought somebody had raised the point of order.

So great is the confusion in the House that the rule ought to be observed. The gentleman from Ohio [Mr. SHERWOOD] was not on his feet and the Chair did not hear him raise the point of order. The Chair supposed the gentleman from Indiana [Mr. Cox], after he had made the point of order and had been recognized, was trying to make it over again.

On this vote the ayes are 115 and the noes are 39. Two-thirds having voted in the affirmative, the rules are suspended, and the bill is passed.

#### ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16993. An act for the relief of Mathew T. Fuller;

H. R. 18787. An act 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;

H. R. 28180. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 27475. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 27874. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 28379. An act granting pensions and increase of pensions to soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 28746. An act granting pensions and increase of pensions to certain soldiers 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.

#### ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

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

H. R. 18787. An act relating to the limitations 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;

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

H. R. 27475. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

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

H. R. 28379. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 28180. An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes;

H. R. 16993. An act for the relief of Mathew T. Fuller;

H. R. 22526. An act to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906; and

H. R. 28282. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

#### HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

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

H. R. 20193. An act authorizing the Secretary of the Navy to pay a cash reward for suggestions submitted by civilian employees of the Navy Department for improvement or economy in manufacturing processes or plant; to the Committee on Naval Affairs.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5674. An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California; and

S. 5137. An act for the relief of Alice V. Houghton.

#### CONTROL OF WATERS OF NIAGARA RIVER.

Mr. FLOOD of Virginia. Mr. Speaker, I move to suspend the rules and pass House joint resolution 402 with a committee amendment.

Mr. COVINGTON. Mr. Speaker, I demand a second.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

Mr. JOHNSON of South Carolina. Mr. Speaker, let the resolution be reported first.

The SPEAKER. Of course, the resolution will be read. The Clerk will report it.

The Clerk read as follows:

Joint resolution (H. J. Res. 402) extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

*Resolved, etc.*, That the provisions of an act entitled "An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes," approved June 29, 1906, be, and they are hereby, extended and reenacted from March 4, 1913, being the date of the expiration of the operation of said act, to March 4, 1914: *Provided*, That the first proviso in section 2 of said act limiting the transmission of electrical power from the Dominion of Canada into the United States to 160,000 horsepower be amended by striking out the words "one hundred and sixty thousand" and inserting in lieu thereof the words "two hundred and fifty thousand."

The SPEAKER. The gentleman from Virginia [Mr. Flood] has 20 minutes, and the gentleman from Maryland [Mr. COVINGTON] has 20.

Mr. COVINGTON. Mr. Speaker, I withdraw my demand for a second.

The SPEAKER. The gentleman from Maryland withdraws the demand.

Mr. SMITH of New York. Mr. Speaker, I renew the demand.

The SPEAKER. The gentleman from New York [Mr. SMITH] renews the demand for a second.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Virginia [Mr. Flood] asks unanimous consent that a second be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Virginia [Mr. Flood] has 20 minutes and the gentleman from New York [Mr. SMITH] has 20 minutes.

Mr. FLOOD of Virginia. Mr. Speaker, this resolution will extend the law that now protects Niagara Falls from the activities of the power companies that desire to take the water which makes the Falls grand and beautiful for the purpose of generating power.

In 1906, owing to the fact that many charters had been granted by the State of New York for the purpose of diverting the water from these Falls to be converted into electric power, Congress passed an act limiting the amount of water that could

be taken. That act was to run for three years. In 1909 it was extended for two years more, and in 1911 it was extended to the 4th day of March, 1913; so that if this act is not extended, and no other law is enacted, there will be no law upon the statute books after next Tuesday to protect Niagara Falls from the diversion of any amount of water that these power companies may desire to take, except the treaty that has been entered into between this country and Great Britain.

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

The SPEAKER. Does the gentleman yield?

Mr. FLOOD of Virginia. Yes.

Mr. HARDWICK. Ought we not to have a permanent law on that subject and not extend this from year to year?

Mr. FLOOD of Virginia. Mr. Speaker, the Committee on Foreign Affairs, to whom was referred this question, has spent much time in dealing with the complicated questions and the engineering problems that are involved in the controversy between those who desire to maintain the scenic beauty and the grandeur of Niagara Falls and the power companies that desire to divert that water for power purposes. That committee has reported a bill to this House—a bill which, we believe, deals in an equitable and just way with every phase of this controversy.

But it is perfectly evident that that bill can not get through this Congress, and therefore it is necessary to extend the existing law for 12 months in order to give the next Congress the first three months of the regular session in which to enact that law.

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

The SPEAKER. Does the gentleman yield?

Mr. FLOOD of Virginia. I do.

Mr. TOWNSEND. Is it not a fact that in the hearings before the committee of which the gentleman is chairman the testimony was to the effect that any further diversion of water would injure the scenic beauty of the Falls?

Mr. FLOOD of Virginia. That undoubtedly is true. The scenic beauty of the Falls has already been injured by the amount of water that has already been taken for power purposes.

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

Mr. FLOOD of Virginia. Yes.

Mr. SIMMONS. I would like to ask the gentleman in regard to the question propounded by the gentleman from New Jersey [Mr. TOWNSEND], whether the testimony before the committee had shown that the Falls have been seriously injured. I ask if the preponderance of testimony did not contradict that statement?

Mr. FLOOD of Virginia. There was testimony there that you could take any quantity of water that these power companies might want and that the Falls would not be injured; but all of the disinterested testimony—the testimony that came from the Army engineers, undisputed by any man in that relation to this question—bore out the statement made by Gen. Bixby, that the scenic beauty of the Falls had already been injured, and that on the Canadian side of the Falls the diversion of 26,000 cubic feet per second has already reduced the flow of water about 9 inches.

I want to say to the House that unless this act is extended there will be no protection for the Falls except the treaty, and the treaty allows a greater diversion of water on this side of the Niagara River than is allowed by the law the operation of which we desire to extend.

Mr. Speaker, I reserve the remainder of my time.

Mr. MICHAEL E. DRISCOLL. Why have you allowed an increase in the amount of horsepower that may be imported?

Mr. FLOOD of Virginia. For the reason that power companies have been established on the Canadian side, and the power generated there can be brought to the American side for the purpose of being used in industries on this side; but if we do not allow that to be done then these industries will go on the other side of the river.

Mr. SMITH of New York. Mr. Speaker, I am not absolutely opposed to this resolution. My only purpose in demanding a second is to call attention to the undignified character of this legislation, and to the further fact that two committees of this House have had before them this Niagara River legislation for the last four years. Now, just before the session adjourns, we are obliged to vote once more on a resolution to extend the so-called Burton Act.

I direct the attention of Members to section 4 of the Burton Act, which they are now asked to extend. It reads as follows:

SEC. 4. That the President of the United States is respectfully requested to open negotiations with the Government of Great Britain for the purpose of effectually providing, by suitable treaty with said

Government, for such regulation and control of the waters of Niagara River and its tributaries as will preserve the scenic grandeur of Niagara Falls and of the rapids in said river.

That treaty was actually entered into in 1909, but when we extend the Burton Act we include this provision asking the President to negotiate a treaty which is already in operation and has been for the last five years.

The treaty entered into between the United States and Great Britain provides as follows:

The United States may authorize and permit the diversion within the State of New York of the waters of said river above the Falls of Niagara, for power purposes, not exceeding in the aggregate a daily diversion at the rate of 20,000 cubic feet of water per second.

It will be seen that the treaty provides for the diversion of 4,400 cubic feet more than is allowed under the Burton Act.

I do not agree with the gentleman from Virginia [Mr. Flood] that serious difficulty would occur at Niagara Falls, or that the scenic grandeur would be injured by a further diversion of 4,400 feet, but I will not object to the passage of this resolution. I merely draw the attention of the House to the fact that Congress has been dawdling with this subject for four years, and, if we do not let the Burton Act expire, I can not prophesy when we ever shall get any definite regulation on the subject of this diversion of water from Niagara River.

Mr. COOPER. Mr. Speaker, I am a member of the committee which reported this bill. Under the circumstances nothing remains to be done except to vote in favor of the extension of the Burton Act.

I was opposed to the increase of the amount which may be imported from Canada from 160,000 to 250,000 horsepower. I should have very greatly preferred a simple extension of the original Burton Act, without any further allowance of an increased amount of importation from Canada. I think it should have been so handled as to prevent that, but an emergency is now before us; and inasmuch as this resolution can not be avoided, there is nothing to do but to pass it.

Mr. SMITH of New York. I yield three minutes to the gentleman from New York [Mr. SIMMONS].

Mr. SIMMONS. Mr. Speaker, I regret that instead of considering this resolution we could not have before us the bill which has been reported by the Committee on Foreign Affairs, but, as the chairman of that committee has explained, owing to the lateness of the session, it is impossible to get consideration of it.

Therefore I heartily favor the passage of this resolution. It clearly means that we will have the opportunity to use some of the power which has been generated in Canada, and if we do not use it it will be used in Canada. Managers of factories at Niagara Falls have told me they would have to go into Canada unless they could get this permission. I do not suppose there is a Member of this body that will oppose this, inasmuch as it is for the advancement of the industrial conditions of this country instead of Canada. [Applause.]

Mr. FLOOD of Virginia. Mr. Speaker, I yield to the gentleman from Ohio [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I have asked for this brief time in which to discuss the features of the measure under discussion because I know that all are impatient to cease their labors at this late hour of the night. I am greatly pleased that there seems to be so little opposition to the passage of the resolution. I think our action will result in time in the enactment of some just measure that will have as its cardinal features provisions which will protect for all time to come the scenic beauties of the greatest natural attraction on the face of the earth.

I hope the Committee on Foreign Affairs, of which I have the honor to be a member, at the next regular session of Congress will report out a bill in the interest of such conservation of nature's charms, if I may use the expression, and when so reported it will have the same unanimous support that this measure now seems to have.

In drafting the present resolution I had only in mind the purpose of preserving the status quo of the provisions of the law known as the Burton Act; but with much regret, in so far as my own views are concerned, an amendment was adopted by the committee which gives the right to import from Canada a considerable additional amount of power over that as now authorized. This concession was made in deference to the views of those who believe that unless such power is permitted to be used by our own people it is bound in any event to be employed sooner or later on the other side of the line by the right already possessed under existing law. It is only fair to state that this belief alone influenced the committee in conceding any additional importation of power.

The chairman of the committee, Mr. Flood of Virginia, who has given considerable thought to the subject, has just stated the most important reasons for continuing the present restrictions and regulations as to the diversion of water above Niagara

Falls, and he has referred to the Government engineers as well as others who appeared at the many hearings had upon this subject before the committee. It is not my purpose or desire to review in detail any of that evidence at this time. There is, however, another phase involved in this subject upon which I wish to address my remarks, because, after all, it is the one which, in my judgment, most powerfully influences the people not only of our own country but of the entire civilized world. It is that which has to do primarily, if not indeed wholly, with the desire and determination to preserve for all time to come the unrivaled scenic beauty and grandeur of the Niagara Falls.

Before proceeding to that discussion, however, may I be permitted to here quote from the opinion of the highest engineering authority in our Government as to the necessity for prompt action upon the part of Congress. This was called out in answer to a letter which I addressed to the Secretary of War in reference to the provisions of the bill which I had introduced, and is self-explanatory:

OFFICE OF CHIEF OF ENGINEERS,  
February 21, 1913.

To the SECRETARY OF WAR:

Hon. W. G. SHARP incloses a copy of H. J. Res. 402, Sixty-second Congress, third session, to extend the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes; and he requests an expression of views in the matter, more particularly in regard to the time of extension.

Unless the act in question is extended or replaced by like legislation, the question of control over water diversion and power development at Niagara Falls will be left in a state more or less chaotic. If the act expires by limitation, it is probable that all permits granted thereunder will immediately terminate. At any rate, the War Department will find it difficult, if not impossible, to exercise any control over such permits or over the disposition of any unused or unallotted water power, and no executive will be specifically charged with the duty of supervising the use of water for power development on the American side or the transmission of electrical power from or to Canada.

The proposed time of extension is considered judicious.

It is therefore the view of this office that if other legislation is not to be enacted on the subject, the proposed resolution should be passed.

W. H. BIXBY,  
Chief of Engineers, United States Army.

WAR DEPARTMENT, February 21, 1913.

Respectfully returned to Hon. W. G. SHARP, House of Representatives, inviting attention to the foregoing report of the Chief of Engineers, United States Army, in whose views the department concurs.

HENRY L. STIMSON,  
Secretary of War.

It would seem as though such an opinion should have much weight with the membership of this House in taking prompt and favorable action upon the measure before us. As to what effect even the present rate of diversion of water above the Falls has already had upon their volume and appearance, let me quote from the report of Maj. Charles Keller, Corps of Engineers, United States Army, who was commissioned a few years ago to conduct a most thorough investigation of this subject, in which he says:

The extremely low water of 1895 was due to natural causes, and such a deficiency in precipitation is sure to recur. When this happens, Lake Erie, if still in its natural unrestrained state, will be lowered approximately 2 feet below the summer elevations of 1907 and 1908. Nature will then reduce the height of the sheet flowing over the American Fall by over 3 inches and that over the west end of the Canadian Fall by over 14 inches, while the water at Terrapin Point will be lowered by 5½ inches. These natural changes, added to those produced by existing authorized diversions, will lower the crest at the west end of the Canadian Fall nearly 2 feet and at Terrapin Point over 8 inches. As a result many shallow places at both ends of the Horseshoe Fall will become dry. Thus natural changes, imposed upon those produced by man, will result in a mutilated Niagara, one shorn of nearly half its flow and of much more than one-half its natural beauty, since many places now overflowed will be made bare, the crest line broken, and unity of effect will be seriously disturbed.

The losses due to the operation of natural laws, though largely avoidable, are perhaps bearable; but this is not true of those due to the work of man, and in consequence I am forced to state that existing diversions have already seriously interfered with and injured the scenic grandeur of Niagara Falls at the Horseshoe, and that this injury and interference will probably soon be emphasized by the effects due to the prevalence of lower stages on Lake Erie and the upper Lakes. \* \* \*

The Falls are the common heritage of the entire civilized world. They are held in trust for posterity by the present generation. To injure them further is a proposition whose mere statement brings its own reply. Accordingly, I earnestly recommend that the minimum limits of diversion authorized on the American side, namely, 15,100 cubic feet per second, be reenacted, and that no greater amount of energy be permitted to be imported into the United States from Canada than 160,000 horsepower.

Like evidence could be produced from others who have made a study of the conditions prevailing at Niagara Falls, and the resulting conclusions are certainly not unwarranted. If these authorities are to be believed we are already at the danger point, beyond which we can not safely go if we would have anything like due regard for the preservation of the charms of Niagara.

It is not my purpose to enter into a discussion of any part of the voluminous hearings with reference to the engineering

phases of the question; neither will I take time to outline the history of the antecedent legislation upon this subject. For the information of those interested in such matters, I am pleased to refer my colleagues to the most excellent report of Representative CLINE, of Indiana, who in House Report No. 1488 has so ably given the genesis of the entire legislation down to the present time.

Mr. Speaker, may I devote the remainder of my time to considering what many may term the sentimental side of the question, but one which, nevertheless, as I have said, appeals more strongly to the people at large than all other considerations?

A long time ago a poet little known to fame immortalized the sentiment for the preservation of the things that are old in nature's realms with the stanza beginning with the admonition—

Woodman, spare that tree!  
Touch not a single bough!  
In youth it shelter'd me,  
And I'll protect it now.

There is a text in these words which not only expresses a sense of deep loyalty but one full of meaning. In this present day of commercialized activity and the craze for constant change, it should be of some value. The tree may have been old and shaky; its wood may have been sought for lumber or fuel; or it may have stood in the way of newer things to be placed there. But what of these reasons? Was it not planted by a family sire? Did it not shelter the writer as a boy, and was it not a mute participant of the joys of his childhood, its recollections more precious than gold? It was more than this. It was a beautiful creation of nature with its spreading limbs, its sturdy trunk, and lofty top. It was a symbol both of strength and the dignity of age.

That old tree called for respect and veneration. But if the stanzas quoted breathe in their every line this noble sentiment, they do still more. In their very words of command to the woodman not to destroy they concede his power to undo in an hour what nature in her mysterious laboratory has taken a century to produce.

Old tree, the storm still brave!  
And, woodman, leave the spot;  
While I've a hand to save,  
Thy axe shall harm it not!

The writer of these noble verses, so full of charming sentiment, was, to my mind, a conservationist in the highest sense.

Was it not in deference to a sentiment quite as strong which prompted this House in the last Congress to overwhelmingly defeat a proposition which involved the establishment of a penal institution within 3 or 4 miles of the gates of Mount Vernon, the last resting place of George Washington—and this even after a very large tract of land had been actually purchased by the Government for that purpose? The speeches of Members on the measure at that time breathed a patriotic feeling that such a desecration ought not to be permitted. And, though more than a century has passed since Mount Vernon had become so tenderly associated with the last days of the Father of his Country, yet his memory still lives, ever green to posterity. Even the remote environment of those sacred grounds was not to be contaminated by the proximity of an institution of that character. Such was the sentiment expressed by those who participated in the discussion of the measure at that time.

If there is anything of sentiment in historical associations, then the scenes amidst which Niagara forms the center are most celebrated. It was here more than 300 years ago—long before either the settlement at Jamestown or the landing of the Pilgrim fathers—that the intrepid French explorers established their gateway to the trackless West and the waters of the Great Lakes. The names of Champlain, La Salle, Marquette, and Father Hennepin are indissolubly linked with the earliest history of those majestic scenes; and whether it was on a mission of conquest of territory in the name of their King, or the more exalted purpose of winning converts among the Indians through the patient work of the Jesuit fathers, this territory formed for many years their most western outposts for supplies and defense. What must have been the awe and wonderment with which these explorers first gazed upon the magnificent spectacle which on all the earth was nature's grandest. Here was the final plunge of mighty waters—great inland oceans of azure blue. The grandeur and sublimity of the cataract formed indeed a fitting climax to the majesty and extent of that great chain of Lakes which were destined to bear upon their bosoms the commerce of an empire.

But the same measure of delight and admiration has ever come to those who for the first time view the grandeur of this unrivaled attraction. No description, however vivid, quite pre-

pares one for the sight; the stupendous scale upon which the whole scene is laid awes the mind. Its fame is world-wide. No visitor from foreign lands would consider that he had seen America without seeing Niagara Falls, our greatest attraction. A million people from every quarter of the globe annually visit the place.

Surely it is inconceivable that the sublime beauty of this priceless gift of nature is to be sacrificed for the purpose of commercializing its power to save mere dollars. And yet for such use alone does the existing treaty allow a possible diminution of approximately one-third of the entire volume of water which undiverted would flow over the Falls. Shall we not say, my colleagues, in behalf not alone of our own constituents but for the people of all nations who love to do homage at nature's shrine and through her charms gather inspiration from the work of the great World Builder Divine, that never by consent of the American Government shall further diversion of these waters be permitted?

Mr. FLOOD of Virginia. I yield now to the gentleman from New York [Mr. LEVY].

Mr. LEVY. Mr. Speaker, I have no objection to the passage of this resolution. I regret very much that the whole controversy could not be decided here. The important question is whether the State of New York or the Federal Government is entitled to jurisdiction over these waters. I claim that the Federal Government has no jurisdiction over it, except for the purposes of navigation and for international defense.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

#### COMMITTEE ON ACCOUNTS.

The SPEAKER. Under the statute the Speaker is required to appoint a temporary Committee on Accounts for the Sixty-third Congress, and the Clerk will read the appointments.

The Clerk read as follows:

Temporary Committee on Accounts for the Sixty-third Congress: Mr. LLOYD, Mr. FLOYD of Arkansas, and Mr. HUGHES of West Virginia.

#### RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House now take a recess until to-morrow morning at 9:30 a. m.

The motion was agreed to; accordingly (at 11 o'clock and 37 minutes p. m.) the House took a recess until to-morrow, Monday, March 3, 1913, at 9:30 o'clock a. m.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, a bill was introduced and referred as follows:

By Mr. WARBURTON: A bill (H. R. 28869) to provide for the construction, maintenance, and improvement of a system of national interstate roads, and to provide funds for the same; to the Committee on Agriculture.

#### PETITIONS, ETC.

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

By Mr. DYER: Petition of the Associated Chambers of Commerce of the Pacific Coast, San Francisco, Cal., favoring the passage of legislation to make appropriations for investigations to prevent unnecessary loss to the fruit growers; to the Committee on Agriculture.

By Mr. GRIEST: Petition of the general executive committee of the Railway Business Association, favoring the passage of legislation to adopt the national budget to regulate the receipts and expenditures of the National Government; to the Committee on Ways and Means.

By Mr. POST: Petition of John T. Locklean and many others of Washington Courthouse, Ohio, protesting against the passage of legislation to make it unlawful for any society or fraternal order to hereafter adopt and send or receive through the mail any word or title of the name of any animal or bird that is already being used as a part of its title or name by any fraternal order, society, or association; to the Committee on the Post Office and Post Roads.

Also, petition of the general executive committee of the Railway Business Association favoring the passage of legislation to adopt the national budget to regulate the receipts and expenditures of the National Government; to the Committee on Ways and Means.

#### SENATE.

MONDAY, March 3, 1913.

(Legislative day of Saturday, March 1, 1913.)

#### AFTER THE RECESS.

The Senate reassembled in executive session at 9 o'clock and 45 minutes a. m., Monday, March 3, 1913, on the expiration of the recess.

The doors were reopened at 12 o'clock meridian, Monday, March 3, 1913.

#### FAUNA OF BRITISH INDIA (S. DOC. NO. 1133).

The PRESIDENT pro tempore (Mr. GALLINGER) laid before the Senate a communication from the Secretary of State, transmitting a copy of the Fauna of British India, which was received from the American chargé d'affaires at London as an accompaniment to his dispatch of the 3d of February, which was ordered to be printed, and, with the accompanying volume, was referred to the Committee on the Library.

#### NATIONAL-BANK DEPOSITORY (S. DOC. NO. 1136).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, by direction of the President, and in response to a resolution of the 26th ultimo, certain information as to accepted or acceptable securities for Government deposits in national-bank depositories, together with copies of all communications to or from Government officials relating to the recent Treasury Circular No. 5, which, with the accompanying papers, was referred to the Committee on Finance and ordered to be printed.

#### MESSAGE FROM THE HOUSE.

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

S. 8000. An act providing for publicity in taking evidence under act of July 2, 1890; and

S. 8589. An act relating to supervision of the Lincoln Memorial.

The House of Representatives has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H. R. 27090. An act for the relief of Cora Evans;

H. R. 28613. An act to construe the name of E. T. Bourger, as the same appears in the report of Hawkins-Taylor Commission in relation to Company F, Osage County Battalion, Missouri Home Guards, to refer to Joseph Bourgeret, of Osage County, Mo.; and

H. J. Res. 402. Joint resolution extending the operation of the act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

The message also announced that the House had passed the bill (S. 6877) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 8273) authorizing the Secretary of War to make certain donations of condemned cannon and cannon balls, with amendments, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

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

S. 5137. An act for the relief of Alice V. Houghton;

S. 5674. An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California; and

H. R. 27874. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

#### SENATOR FROM OREGON.

Mr. BOURNE. I take pleasure in presenting the credentials of my successor, Hon. HARRY LANE, Senator elect from the State of Oregon, which I ask may be read and placed on the files.

The PRESIDENT pro tempore. The credentials will be read.

The credentials of HARRY LANE, chosen by the Legislature of the State of Oregon a Senator from that State for the term beginning March 4, 1913, were read and ordered to be filed.

#### PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of the Southern Teachers' Association, praying for the enactment of