

Also, petition of William Huke Rattan and Willow Ware Manufacturing Co., St. Louis, Mo., protesting against the passage of any legislation changing the present tariff on willow ware; to the Committee on Ways and Means.

By Mr. CARY: Petition of the Indian Rights Association, Philadelphia, Pa., favoring the passage of the amendment to the Indian appropriation bill providing for the irrigation of the allotted lands of the Yakima Indians, Washington; to the Committee on Indian Affairs.

By Mr. DYER: Petition of International Typographical Union, Cleveland, Ohio, favoring the passage of legislation to make it unlawful to circulate any malicious statement, printed or oral, for cash consideration or for gain, that can not be substantiated; to the Committee on Labor.

Also, petition of the United Commercial Travelers of America, Carthage, Mo., favoring the passage of House bill 27567, for 1-cent letter-postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of the Railway Business Association, New York, N. Y., favoring the passage of legislation to establish a national budget as a method of regulating the receipts and expenditures of the Government; to the Committee on Ways and Means.

Also, petition of the Million Population Club, St. Louis, Mo., favoring the passage of legislation extending the pneumatic-tube service to the subpostal station of St. Louis; to the Committee on the Post Office and Post Roads.

Also, petition of the Washington Club, St. Louis, Mo., protesting against the passage of the Root bill to repeal the free-tolls portion of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

Also, petition of the Southwestern Interstate Coal Operators' Association, Kansas City, Mo., favoring the passage of Senate bill 3, for Federal aid for vocational education; to the Committee on Agriculture.

By Mr. ESCH: Petition of the general executive committee of the Railway Business Association, favoring the passage of legislation for the creation of a national budget to regulate the receipts and expenditures of the National Government; to the Committee on Ways and Means.

By Mr. FORNES: Petition of the Associated Chambers of Commerce of the Pacific Coast, San Francisco, Cal., favoring the passage of legislation to make investigations to prevent unnecessary losses to the fruit growers; to the Committee on Agriculture.

Also, petition of the Railway Business Association, of New York, favoring the passage of legislation for the creation of a national budget to regulate the receipts and expenditures of the National Government; to the Committee on Ways and Means.

By Mr. FULLER: Petition of the Railway Business Association, of New York, favoring the passage of legislation for the creation of a national budget to regulate the receipts and expenditures of the National Government; to the Committee on Ways and Means.

By Mr. LEWIS: Petition of Henry R. Anderson and 82 voters of Brunswick, Md., favoring the passage of legislation for an investigation to be made of the prosecution of the editors of the Appeal to Reason; to the Committee on Expenditures in the Post Office Department.

By Mr. LINDSAY: Petition of the general executive committee of the Railway Business Association, New York, favoring the passage of legislation for the adoption of the national budget to regulate the receipts and expenditures of the National Government; to the Committee on Ways and Means.

Also, petition of the Abraham Lincoln Branch of the American Continental League, Brooklyn, N. Y., protesting against the passage of the Root bill, to repeal the free-tolls part of the Panama Canal act; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT of New York: Petition of the Associated Chambers of Commerce of the Pacific Coast, favoring the passage of legislation to make investigations for preventing unnecessary losses to the fruit growers; to the Committee on Agriculture.

Also, petition of the joint session of the boards of directors of the Board of Commerce, Commercial Club, Manufacturers and Producers' Association, and Traffic Bureau, Knoxville, Tenn., all protesting against the passage of any legislation for the reduction of tariff on aluminum; to the Committee on Ways and Means.

Also, petition of the general executive committee of the Railway Business Association, favoring the passage of legislation for the creation of a national budget to regulate the receipts and expenditures of the National Government; to the Committee on Ways and Means.

## SENATE.

SUNDAY, March 2, 1913.

(Legislative day of Saturday, March 1, 1913.)

## AFTER THE RECESS.

The Senate reassembled at 2 o'clock p. m., Sunday, March 2, 1913, on the expiration of the recess.

The PRESIDENT pro tempore (Mr. GALLINGER). The Secretary will read the unanimous-consent agreement formerly agreed to.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 2.30 a. m., March 2, 1913, the Senate will vote, without further debate, upon the motion to agree to the conference report upon H. R. 28180, the rivers and harbors bill; and, further, that at not later than 8 o'clock p. m., on said day, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, and amendments that may be offered, and upon the bill H. R. 23673, the seamen's bill, so called—through the regular parliamentary stages—to its final disposition; the time for debate to be divided equally between the proponents and opponents of the bill.

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

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

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

|              |                |                |            |
|--------------|----------------|----------------|------------|
| Brandege     | Curtis         | Martine, N. J. | Sheppard   |
| Bristow      | Dixon          | Nelson         | Simmons    |
| Bryan        | du Pont        | O'Gorman       | Smoot      |
| Burton       | Fall           | Oliver         | Stephenson |
| Catron       | Gallinger      | Overman        | Sutherland |
| Chamberlain  | Gronna         | Owen           | Swanson    |
| Chilton      | Hitchcock      | Page           | Thomas     |
| Clarke, Ark. | Johnson, Me.   | Percy          | Townsend   |
| Crawford     | Johnston, Ala. | Perkins        | Wetmore    |
| Culberson    | Jones          | Pittman        | Works      |
| Cummins      | Kenyon         | Root           |            |

The PRESIDENT pro tempore. Forty-three Senators have answered to their names—not a quorum. The names of the absentees will be called.

The Secretary called the names of absent Senators and Mr. ASHURST, Mr. GARDNER, Mr. PAYNTER, and Mr. PENROSE answered to their names when called.

Mr. TILLMAN, Mr. WARREN, Mr. SMITH of Michigan, Mr. LODGE, and Mr. SMITH of Arizona entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. A quorum of the Senate is present. The Senate will receive a message from the House of Representatives.

## MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House had passed the following bills:

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; and

S. 8575. An act to authorize the town of Okanogan to construct and maintain a bridge across the Okanogan River.

The message also announced that the House had passed the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroads engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 22526) to amend section 8 of an act entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," approved June 30, 1906.

The message also announced that the House had agreed to the amendment of the Senate No. 132 to the bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, with an amendment, in which it requests the concurrence of the Senate, disagrees to the residue of the amendments of the Senate to the said bill, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURLINSON, Mr. SAUNDERS, and Mr. TAYLOR of Ohio managers at the conference on the part of the House.

## SEAMEN IN AMERICAN MERCHANT MARINE.

Mr. BURTON. I take it House bill 23673 comes before the Senate without any formal motion.

The PRESIDENT pro tempore. It is before the Senate.

Mr. BURTON. I ask that the proposed substitute recommended by the Senate committee be read for the information of the Senate. Then I will proceed, after the reading, to explain the differences between the Senate substitute and the House bill and the differences between it and the existing law.

Mr. SUTHERLAND. Will the Senator yield to me to have a message from the House laid before the Senate?

Mr. BURTON. If it is merely laying a message before the Senate, I do not object; but if any time is to be taken, I must object, because otherwise we will have no time for a sufficient consideration of this bill.

Mr. SUTHERLAND. If it takes time, I will withdraw it, of course.

Mr. BURTON. I yield, then, for a moment, with the understanding that if any time is required—

Mr. SUTHERLAND. I ask that the action of the House with reference to Senate bill 5382 be laid before the Senate.

## LIABILITY OF COMMON CARRIERS TO EMPLOYEES.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5382) to provide an exclusive remedy and compensation for accidental injuries, resulting in disability or death, to employees of common carriers by railroad engaged in interstate or foreign commerce, or in the District of Columbia, and for other purposes; and the amendments were read, in part, by the Secretary.

Mr. SUTHERLAND. Has the Secretary read all the amendments?

Mr. CULBERSON. I understand from the public prints that there are more amendments than have been read by the Secretary.

The PRESIDENT pro tempore. The Secretary will read the amendments in full.

The Secretary read the amendments, which were, on page 1, line 3, after "carrier," insert "including express companies."

Page 2, line 6, after "carrier," insert "including express companies."

Page 2, line 17, strike out "fourteen" and insert "five."

Page 2, line 23, strike out "fourteen" and insert "five."

Page 3, line 1, strike out "fourteen" and insert "five."

Page 3, in lines 5, 6, and 7, strike out "unless such employee elects to furnish his own physician or surgeon or care for himself" and insert "Provided, That if the employee elects to furnish his own physician or surgeon or to care for himself he shall receive from his employer such expenses incurred therefor by him as are reasonable and just, not to exceed \$200."

Page 3, line 10, after "compensation," insert "or benefits."

Page 3, line 14, after "duty," insert "Provided, That this clause as to intoxication shall not apply if the employer knew or in the exercise of ordinary care might have known that the employee was intoxicated or that he was in the habit of becoming intoxicated."

Page 3, line 17, strike out "thirty" and insert "ninety."

Page 3, line 20, strike out "thirty" and insert "ninety."

Page 3, line 22, after the word "time," strike out the comma and insert "and."

Page 3, lines 22 and 23, strike out "and particulars."

Page 4, line 5, strike out "some."

Page 4, line 5, strike out "equally."

Page 4, line 6, strike out "thirty" and insert "ninety."

Page 4, line 7, strike out "90 days" and insert "six months."

Page 4, line 11, after "unless," strike out all down to and including "death" in line 13.

Page 4, lines 13 and 14, strike out "within such period of 30 days."

Page 4, line 14, strike out "actual."

Page 4, line 14, after "knowledge," insert "or information."

Page 4, line 16, strike out "immediately or."

Page 4, line 16, strike out "twenty-four" and insert "forty-eight."

Page 5, line 1, strike out "the."

Page 5, line 1, strike out "Railroad Company."

Page 5, line 3, after "on," insert "or about."

Page 5, in lines 8 and 9, strike out "under the provisions of the Federal accident compensation act of 1912."

Page 5, line 20, after "State," insert "or Territory."

Page 5, line 24, after "employer," insert "or to any such agent aforesaid."

Page 7, line 3, strike out "the."

Page 7, line 3, strike out "Railroad (or Railway) Company."

Page 7, line 4, strike out "The."

Page 7, line 4, strike out "Railroad (or Railway) Company."

Page 7, line 5, strike out "company" and insert "\_\_\_\_\_."

Page 7, line 6, strike out "its" and insert "\_\_\_\_\_."

Page 7, line 8, strike out "company" and insert "\_\_\_\_\_."

Page 7, line 10, strike out "of 1912."

Page 7, line 13, strike out "company" and insert "\_\_\_\_\_."

Page 7, line 21, strike out "Of."

Page 7, line 21, strike out "Railroad (or Railway) Company." Page 10, line 5, after "made," strike out all down to and including "accident" in line 7.

Page 10, line 9, strike out "one or more times" and insert "at least once."

Page 10, line 11, after "employer," insert "and the employee shall have the right to have a duly qualified physician or physicians, chosen by himself, present at such examination."

Page 10, line 11, after "employer," strike out all down to and including line 7 on page 11.

Page 11, line 15, strike out "from time to time."

Page 12, line 2, after "findings," insert "Provided, That not more than one review shall be had upon the application of any one party."

Page 12, line 23, strike out "shall" and insert "may."

Page 14, line 10, strike out "master in chancery, referee in bankruptcy."

Page 14, line 11, after "public," insert "or who has been in the employment of any railroad as claim agent or attorney within a period of 12 months prior to his appointment."

Page 14, line 19, after "court," insert "or by the President on the recommendation of the Attorney General of the United States."

Page 14, in lines 20 and 21, strike out "subject to reinstatement by the circuit court of appeals having jurisdiction."

Page 17, in lines 6 and 7, strike out "while so absent, not exceeding for subsistence the sum of \$5 per day" and insert "actually incurred while so absent, not exceeding \$5 per day."

Page 19, line 17, after "require," strike out all down to and including "unjustifiable," in line 4, page 20.

Page 20, line 10, after "Columbia," insert "or by the President on the recommendation of the Attorney General of the United States."

Page 21, line 6, strike out "six months" and insert "one year."

Page 22, line 5, strike out "six months" and insert "one year."

Page 22, line 11, strike out "one year" and insert "two years."

Page 24, in lines 2 and 3, strike out "together with any jury fee paid as hereinafter provided."

Page 24, in lines 6 and 7, strike out "as well as any jury fee paid."

Page 24, line 23, strike out "upon a written demand filed with the clerk."

Page 24, line 25, after "law," strike out all down to and including "jury," in line 9, page 25, and insert "But a jury trial may be waived by consent of the parties, and the court shall thereupon hear and determine the case without a jury."

Page 25, line 13, strike out "shall" and insert "may."

Page 25, line 21, strike out "to be valid."

Page 26, line 5, after "rendered," insert "which shall not be greater than the sum agreed upon."

Page 29, strike out all after line 21 down to and including the word "payments," in line 8, page 30, and insert "the rights of such employee or dependents to the extent of his liability under the provisions of this act and may maintain an action therefor, but such action by such employer shall be no bar to an action by such employee or his dependents for damages against such other person in excess of the amount of compensation paid or to be paid under this act."

Page 31, line 4, after "hundred," insert "and twenty."

Page 36, line 3, after "arms," insert "or an arm and a leg."

Page 36, line 3, strike out "to the skull."

Page 38, line 2, after "work," insert "at the same or better wages than he was receiving at the time of the injury."

Page 38, line 8, after "employer," insert "at the same or better wages than he was receiving at the time of the injury."

Page 38, line 9, after "refusal," strike out the remainder of line 9 and lines 10, 11, and 12.

Page 38, strike out lines 13 to 24, inclusive, and lines 1 and 2 on page 39.

Page 39, strike out lines 3, 4, and 5.

Page 39, line 6, strike out "23" and insert "22."

Page 40, line 2, strike out "or under section 22."

Page 40, line 15, strike out "or under section 22."

Page 40, line 16, strike out "24" and insert "23."

Page 41, line 6, strike out "only."  
 Page 41, line 7, strike out "partial" and insert "total."  
 Page 41, in lines 7 and 8, strike out ", so far as the subsequent injury is concerned" and insert "only."  
 Page 41, line 9, strike out "25" and insert "24."  
 Page 41, line 12, after "act," insert "each of such employers shall be jointly and severally liable for the payment of such compensation, but as between each other."  
 Page 41, line 14, strike out "several" and insert "respective."  
 Page 41, line 17, strike out "that proportion."  
 Page 41, in lines 18 and 19, strike out "which their proportionate wage liability bears to the entire wages of the employee."  
 Page 41, line 22, after "compensation," insert "And provided further, That proceedings for the purpose of obtaining an award and payments under an award shall not in any event be delayed because of liability to contribution as between employers."  
 Page 41, line 23, strike out "26" and insert "25."  
 Page 42, line 10, strike out "27" and insert "26."  
 Page 42, line 18, strike out all after "apprentice" down to and including the word "business" in line 20.  
 Page 43, line 23, strike out "28" and insert "27."  
 Page 44, line 5, after "service" insert "contracted for or reasonably volunteered or rendered for the protection of his employer's interests."  
 Page 44, line 15, strike out "29" and insert "28."  
 Page 44, line 16, after "party" insert "provided said party is a citizen of the United States."  
 Page 45, line 15, strike out "30" and insert "29."  
 Page 45, after line 18, insert:  
 "Sec. 30. If either the employee or the employer shall file exceptions to the report of the adjuster, as provided in this act, he may on motion in writing have the cause removed from the district court of the United States to any State court of competent jurisdiction, in the county where the cause of action arose or where the employer resides or is doing business at the time of such removal, by filing in such State court, within 30 days from the filing of said exceptions, a certified copy of the report of the adjuster and his exceptions thereto, and thereupon the case shall proceed and trial shall be had in said State court in the same manner as is provided in this act for trial in the district court of the United States: *Provided*, That if the employer removes said cause, such removal shall be to the county where the cause of action arose or where the employer resides. If both the employee and the employer shall file motions for removal, as above provided, the motion first filed shall prevail. When a case is removed to a State court it shall not thereafter be removed to a court of the United States. Appeal from and writ of error to such State court shall lie as in other cases. The provisions of this section shall be applicable and become effective in any State whenever and only whenever that State by appropriate legislation shall authorize the proceedings and practice in the courts of that State provided in this act for the trial of such causes in the district court of the United States."

Page 45, after line 25, insert:  
 "Sec. 32. No employee nor dependent, who shall have lost his right to compensation hereunder by reason of the invalidity of this act or any part of it, in case the act or any part of it shall be held to be invalid, shall be deprived of any right of action to which he would otherwise have been entitled if this act had not been passed, and such right in such event is hereby preserved and may be enforced within two years from and after the adjudication of such invalidity."

Page 46, line 1, strike out "32" and insert "33."  
 Page 46, line 2, strike out "12" and insert "13."  
 Page 46, line 4, strike out "12" and insert "13."  
 Mr. SUTHERLAND. All these amendments are in the direction of increasing the compensation of the employees and liberalizing the bill in their interest.

Mr. CULBERSON. Mr. President, I rise to a point of order.  
 The PRESIDENT pro tempore. The Senator will state it.  
 Mr. CULBERSON. The point of order is that the presentation or consideration of the amendments from the House of Representatives is in violation of the unanimous-consent agreement.

The PRESIDENT pro tempore. The Chair will have the unanimous-consent agreement again read.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 2.30 a. m., March 2, 1913, the Senate will vote, without further debate, upon the motion to agree to the conference report upon H. R. 28180, the rivers and harbors bill; and further, that at not later than 8 o'clock p. m. on said day the Senate will proceed to vote, without further debate, upon any amendment that may be pending and amendments that may be offered, and upon the bill H. R. 23673, the seamen's bill, so called—through the regular parliamentary stages—to its final disposition; the time for debate to be divided equally between the proponents and opponents of the bill.

Mr. SUTHERLAND. I move that the Senate concur in the House amendments.

Mr. CULBERSON. Mr. President, the question is on the point of order.

The PRESIDENT pro tempore. The Chair fails to find in the unanimous-consent agreement any time stated for—

Mr. CULBERSON. I suggest to the Chair—

The PRESIDENT pro tempore. Allow the Chair to give the matter a little consideration.

Mr. CULBERSON. I should like to make an observation, however, before the Chair decides the point of order.

The PRESIDENT pro tempore. The Senator may do so.

Mr. CULBERSON. My suggestion is that it is implied in the agreement that the whole of the time is to be occupied in debate, and that it shall be divided equally between the two parties.

The PRESIDENT pro tempore. What was troubling the mind of the Chair was as to whether this is a continuing unanimous-consent agreement or not. The Chair thinks it is, and the Chair feels constrained to sustain the point of order.

Mr. BRYAN. Will the amendments of the House be printed?

The PRESIDENT pro tempore. They will be printed.

Mr. SUTHERLAND. I move that the bill be printed with the House amendments numbered.

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

Mr. BRYAN. I wish to say, so that there will be no misunderstanding about it, that the bill will lead to considerable discussion, and for one I am unwilling to allow a bill of such importance to be passed without an opportunity to see what the amendments are.

Mr. BURTON. I renew my request that the Senate substitute be read for the information of the Senate.

The PRESIDENT pro tempore. The Secretary will read the substitute reported by the Senate Committee on Commerce.

The SECRETARY. The committee report to strike out all after the enacting clause and insert—

Mr. SUTHERLAND. Mr. President, I made a motion to concur, and I rise now to a parliamentary inquiry. The inquiry is whether or not the motion which I made to concur in the House amendments will be pending?

The PRESIDENT pro tempore. That motion will be pending, or it can be renewed.

Mr. SUTHERLAND. Very well.

#### SEAMEN IN AMERICAN MERCHANT MARINE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen, which had been reported from the Committee on Commerce with an amendment.

The PRESIDENT pro tempore. The Secretary will proceed with the reading of the amendment of the committee.

The Secretary read the amendment reported from the Committee on Commerce, which was to strike out all after the enacting clause and to insert:

That section 4516 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"Sec. 4516. In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections."

Sec. 2. In all merchant vessels of the United States the sailors shall, while at sea, be divided into at least two and the firemen into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel; but this provision shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, all the sailors or all the firemen or the whole crew is needed for the maneuvering of the vessel or the performance of work necessary for the safety of the vessel or her cargo or for the saving of life and property aboard other vessels in jeopardy. While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following named legal holidays: New Year's Day, Washington's Birthday, Good Friday, the Fourth of July, Labor Day, Columbus Day, Thanksgiving, and Christmas, but this provision shall not prevent the doing of work necessary to the dispatch of a vessel on regular schedule or when ready to proceed on her voyage. At all other times while the vessel is in a safe harbor, nine hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section, the seaman shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to fishing or whaling vessels, yachts, vessels of less than 300 gross tons or ves-

gels whose regular schedule between terminal ports does not exceed 24 hours: *Provided*, That no member of the crew shall be required to be on duty more than 12 hours out of any 24 hours, except in cases of emergency as hereinbefore provided. But this exemption shall in no way interfere with the authority of the proper officers of the Government to make such lawful regulations or orders as they may deem necessary to secure safety at sea and prevent excessive hours of labor.

SEC. 3. That section 4529 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4529. The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within 2 days after the termination of the agreement under which he was shipped, or at the time such seaman is discharged, whichever first happens; and, in case of vessels making foreign voyages, within 24 hours after the cargo has been discharged, or within 4 days after the seaman has been discharged, whichever first happens; and in all cases the seaman shall be entitled to be paid at the time of his discharge, on account of wages, a sum equal to one-third part of the balance due him. Every master or owner who refuses or neglects to make payment in the manner hereinbefore mentioned without sufficient cause shall pay to the seaman a sum equal to 2 days' pay for each and every day during which payment is delayed beyond the respective periods, which sum shall be recoverable as wages in any claim made before the court; but this section shall not apply to masters or owners of any vessel the seamen of which are entitled to share in the profits of the cruise or voyage."

SEC. 4. That section 4530 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4530. Every seaman on a vessel of the United States which, prior to the completion of her voyage, shall enter any port for the purpose of loading or delivering cargo shall, upon demand made subsequent to entering such port, be entitled to receive from the master of the vessel to which he belongs, within 48 hours after demand therefor, one-half part of the wages which he shall have earned at said port, and all stipulations of contract to the contrary shall be null and void: *Provided*, That wages earned during the first 5 days of service shall not be due or subject to demand prior to the completion of the voyage or expiration of contract. When the voyage is ended, every seaman shall be entitled to the remainder of the wages which shall then be due to him as provided in section 4529 of the Revised Statutes. This section shall not apply to fishing or whaling vessels or yachts: *Provided further*, That this section shall apply to seamen on foreign vessels owned in major part by American citizens, corporations, or holding companies when such vessels are in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement."

SEC. 5. That the second paragraph of section 4552 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 4552. Second. Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement: *Provided*, That any court having competent jurisdiction may, upon good cause shown, set aside such release and take such action as justice may require."

SEC. 6. That section 4559 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4559. Upon a complaint in writing, signed by the first and second officers or a majority of the crew of any vessel, while in a foreign port, that such vessel is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome, thereupon in any of these or like cases the consular or a commercial agent who may discharge any of the duties of a consul shall cause to be appointed three persons of like qualifications with those described in section 4557, who shall proceed to examine into the cause of complaint and who shall proceed and be governed in all their proceedings as provided by said section."

SEC. 7. That places appropriated and used upon all merchant vessels of the United States as a lodging for crews shall be properly lighted, drained, heated, and ventilated, properly protected from sea and weather, and, as far as practicable, properly shut off and protected from the effluvia of the cargo or bilge water; and every such crew space shall be kept free from goods or stores not being the personal property of any of the crew occupying said place during the voyage; that on all merchant vessels of the United States the construction of which shall be begun after the passage of this act, except yachts, pilot boats, or vessels of any class of less than 200 tons register, every place appropriated to the crew of the vessel for lodgings shall have a space of not less than 120 cubic feet and not less than 18 square feet, measured on the floor or deck, for each seaman or apprentice lodged therein: *Provided*, That these space allotments may be reduced not more than 20 per cent in case a separate space is provided for mess-room purposes.

That in addition to the space allotment for lodgings hereinbefore provided, on all merchant vessels of the United States which in the ordinary course of their trade make voyages of more than three days' duration between ports, and which carry a crew of 12 or more seamen, there shall be constructed a compartment, suitably separated from other spaces, for hospital purposes, and such compartment shall have at least one bunk for every 12 seamen constituting her crew, provided that not more than six bunks shall be required in any case.

The spaces for the crew shall have wooden flooring, or be covered with some substance impervious to water and a nonconductor of heat and which may be easily cleaned. The sides and ceilings shall be painted in a light oil color, and iron ceilings or walls, if used, must be provided with a covering which will prevent dripping. Each seaman or apprentice shall be allowed a berth, at least 2 feet in width and 6 feet in length, for his sole use, and the distance between the floor and the bottom of the lower berth shall be at least 10 inches, and not more than 2 berths shall be in a tier.

Every steamboat of the United States plying upon the Mississippi River or its tributaries shall furnish an appropriate place for the crew, which shall conform to the requirements of this section, so far as they are applicable thereto, by providing sleeping room in the engine room of such steamboat, properly protected from the cold, wind, and rain by means of suitable awnings or screens on either side of the guards or sides and forward, reaching from the boiler deck to the lower or main deck, under the direction and approval of the Supervising Inspector General of Steam Vessels, and shall be properly heated.

Every merchant vessel of the United States, the construction of which shall be begun after the passage of this act, having, exclusive of licensed officers, a deck crew of 20 or more men (except fishing vessels, yachts, pilot boats, and vessels of less than 200 gross tons) shall have for the use of the sailors at least one light, clean, and properly ventilated wash room, which shall be provided with not less than one

washbasin for each two men of a watch, except those for whom individual washing accommodations are provided elsewhere. A special wash room shall be provided for the firemen, provided that their number is not less than 10, exclusive of licensed officers, so situated that the men can reach it on the way from the engine rooms, boiler rooms, or coal bunkers before entering their quarters, and of such size that at least half the watch can wash at the same time. It shall be provided with at least one shower bath for each four men of the watch, and with at least one washbasin for each two men of the watch, except those for whom individual washing and bathing accommodations are provided elsewhere. The sides and ceilings of all wash rooms shall be painted in light oil color. The wash rooms shall be supplied with sufficient quantities of soap and running water, both hot and cold wherever practicable, and in the case of firemen at least two gallons of fresh water shall be available for the use of each man at the end of his watch. Wash rooms shall be cleaned at least once each day.

The equipment hereinbefore provided for shall be certified to by the local inspectors at each annual inspection.

Any failure to comply with this section shall subject the owner or owners of such vessels to a penalty of not less than \$50 or more than \$500.

SEC. 8. That section 4596 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4596. Whenever any seaman or apprentice lawfully engaged on any merchant vessel of the United States commits any of the following offenses he shall be punished as follows:

"First. For desertion, for forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

"Second. For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time without leave and without sufficient reason from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' pay or sufficient to defray any expenses which shall have been properly incurred in hiring a substitute.

"Third. For quitting the vessel without leave after her arrival at the port of delivery and before she is placed in security, by forfeiture from his wages of not more than one month's pay.

"Fourth. For willful disobedience to any lawful command at sea, by being, at the option of the master, placed in irons until such disobedience shall cease, and upon arrival in port by forfeiture from his wages of not more than four days' pay or, at the discretion of the court, by imprisonment for not more than one month.

"Fifth. For continued willful disobedience to lawful command or continued willful neglect of duty at sea, by being, at the option of the master, placed in irons, on bread and water, with full rations every fifth day, until such disobedience shall cease, and upon arrival in port by forfeiture, for every 24 hours' continuance of such disobedience or neglect, of a sum of not more than 12 days' pay, or by imprisonment for not more than 3 months, at the discretion of the court.

"Sixth. For assaulting any master or other licensed officer by imprisonment for not more than two years.

"Seventh. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than 12 months.

"Eighth. For any act of smuggling for which he is convicted and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage, and the whole or any part of his wages may be retained in satisfaction or on account of such liability, and he shall be liable to imprisonment for a period of not more than 12 months.

"Ninth. For each refusal or willful neglect to engage in boat or fire practice or drill, and for each refusal when engaged in boat drill, and so directed by the master, to efficiently assist in launching the ship's lifeboats the seaman shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not more than one year and by forfeiture of all wages earned: *Provided*, That no boat or fire drill shall be called for the purpose of preventing the men from quitting the service. The provisions of this section shall apply to all merchant vessels of the United States."

SEC. 9. That section 4600 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4600. It shall be the duty of all consular officers to discontinue insubordination by every means in their power and, where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end in the most effectual manner. In all cases where seamen or officers are accused, the consular officer shall inquire into the facts and proceed as provided in section 4583 of the Revised Statutes; and the officer discharging such seaman shall enter upon the crew list and shipping articles and official log the cause of such discharge and the particulars in which the cruel or unusual treatment consisted and subscribe his name thereto officially. He shall read the entry made in the official log to the master, and his reply thereto, if any, shall likewise be entered and subscribed in the same manner."

SEC. 10. That section 4611 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable, provided he has actual knowledge of the misdemeanor, or complaint thereof is made within three days after reaching port. Any failure on the part of such master to use due diligence to comply herewith, which failure shall result in the escape of such officer, shall render the master or the vessel liable in damages for such flogging or corporal punishment to the person illegally punished by such officer."

SEC. 11. That section 23 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended as regards the items of water and butter, so that in lieu of a daily requirement of 4 quarts of water there shall be a requirement of 5 quarts of water every day, and in lieu of a daily re-

quirement of 1 ounce of butter there shall be a requirement of 2 ounces of butter every day.

Sec. 12. That section 24 of the act entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," approved December 21, 1898, be, and is hereby, amended to read as follows:

"Sec. 24. That section 10 of chapter 121 of the laws of 1884, as amended by section 3 of chapter 421 of the laws of 1886, be, and is hereby, amended to read as follows:

"Sec. 10 (a). That it shall be, and is hereby, made unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same, or to pay such advance wages to any other person, or to give any order, note, or other evidence of indebtedness of any kind whatsoever, or for any purpose, conditioned directly or indirectly on the deduction of the amount specified from the wages of a seaman, except as hereinafter provided.

"Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$25 nor more than \$100, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court. The payment of such advance wages or allotment shall in no case except as herein provided absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as seaman, or from any person on his behalf, any remuneration whatever for providing him with employment, or shall by any threat or force dissuade or prevent or endeavor to dissuade or prevent any person from taking employment on board any vessel, or shall by any threat or force dissuade or prevent or endeavor to dissuade or prevent any person from remaining in the service of any vessel on which he has shipped, or by any threat or force induce or compel any person to disregard or disobey any lawful order or orders of the master or other licensed officer of the vessel on which he is shipped he shall for every such offense be deemed guilty of a misdemeanor and shall be imprisoned not more than six months or fined not more than \$500.

"(b) That it shall be lawful for any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his grandparents, parents, wife, sister, or children.

"(c) That no allotment shall be valid unless in writing and signed by and approved by the shipping commissioner. It shall be the duty of the said commissioner to examine such allotments and the parties to them and enforce compliance with the law. All stipulations for the allotment of any part of the wages of a seaman during his absence which are made at the commencement of the voyage shall be inserted in the agreement and shall state the amounts and times of the payments to be made and the persons to whom the payments are to be made.

"(d) That no allotment except as provided for in this section shall be lawful. Any person who shall falsely claim to be such relation, as above described, of a seaman under this section shall for every such offense be punished by a fine not exceeding \$500 or imprisonment not exceeding six months, at the discretion of the court.

"(e) That this section shall apply as well to seamen engaged in ports of the United States for service on foreign vessels as to seamen employed on vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation.

"The master, owner, consignee, or agent of any foreign vessel seeking clearance from a port of the United States shall present his shipping articles, so far as they relate to the engagement of seamen in the United States, or a certified copy of the same, at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this paragraph have been complied with.

"(f) That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation shall make regulations to carry out this section."

Sec. 13. That section 4536 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"Sec. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court, and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages or of any attachment, encumbrance, or arrestment thereon; and no assignment or sale of wages or of salvage made prior to the accruing thereof shall bind the party making the same, except such allotments as are authorized by this title. This section shall apply to fishermen employed on fishing vessels as well as to seamen: *Provided*, That nothing contained in this or any preceding section shall interfere with the order by any court regarding the payment by any seaman of any part of his wages for the support and maintenance of his wife and minor children."

Sec. 14. That no vessel, except those navigating rivers exclusively and except as provided in section 1 of this act, shall depart from any port of the United States unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, unless the crew in each department shall include a sufficient number of seamen who understand the languages of both officers and crew, through whom the orders of the officers may be communicated in a manner to be readily understood by the seamen, in any department, to whom such orders are given. The number of seamen through whom the orders of the officers may be transmitted shall not be less than the number of lifeboats such vessel is required to carry, and at least one of such seamen shall be assigned to each lifeboat.

No vessel carrying passengers, except those navigating rivers and harbors exclusively, shall depart from any port of the United States unless she shall have a sufficient number of efficient lifeboat hands, which in no case shall be less than two for each lifeboat that such ship is required to carry, to launch and handle the prescribed lifeboats and life rafts.

A seaman shall be entitled to the rating of efficient lifeboat hand who has shown by practical tests to the satisfaction of the master that he is qualified to perform any duty required in the launching and handling of lifeboats and life rafts and their equipment, including the stowing of passengers, swinging out, lowering, detaching and hoisting, and use of oars. Such tests shall be subject to regulations to be prescribed by the Secretary of Commerce and Labor, who shall, through collectors of customs, local inspectors, and other officers of the Government, enforce the laws and regulations for the handling of lifeboats and life rafts and the efficiency of lifeboat hands.

This section shall take effect on and after the following dates, respectively, in the case of vessels navigating the ocean or sounds and bay connected therewith or the Great Lakes and connecting waters, and authorized by certificate of inspection to carry the following number of passengers:

On July 1, 1913, 500 passengers or over.

On August 1, 1913, 200 passengers and less than 500.

On October 1, 1913, less than 200.

Any violation of any provision of this section shall subject the master or owner of such vessel to a fine of not less than \$100 nor more than \$500.

Sec. 15. A seaman shall not be entitled to the rating of A. B.—that is to say, of an able-bodied seaman—unless he is at least 18 years of age, possesses a sufficient knowledge of the English language to understand the necessary orders that may be given to him in the course of the performance of his duties, and has served on deck at sea for at least three years. The service herein prescribed may be proved by certificates of discharge by a master before a shipping commissioner or by other proof satisfactory to officers designated by the Secretary of Commerce and Labor, who shall issue certificates to able-bodied seamen in a form to be prescribed by him, and in the case of seamen shipped abroad on vessels of the United States, such service may be proved by certificates of discharge by a master before consuls of the United States.

No vessel carrying passengers for hire, except those navigating rivers exclusively, shall depart from any port of the United States unless she shall have as part of her crew a sufficient number of wheelmen or quartermasters and lookout men of not less rating than that of able seamen: *Provided*, That if upon examination, under rules prescribed by the Department of Commerce and Labor, as to eyesight, hearing, and physical strength and knowledge of the duties, men found competent may be so employed, although they may have served only one year at sea, and no other men than those so qualified shall be employed at the wheel or as lookout. And while at sea the wheelmen or quartermasters and lookout men shall be divided into at least three watches, which shall be kept on duty successively; but this requirement shall not apply to yachts, vessels of less than 300 gross tons, or vessels whose regular schedule between terminal ports does not exceed 12 hours: *Provided*, That no member of the crew shall be required to be on duty more than 12 hours out of any 24 hours, except in case of emergency. But this exemption shall in no way interfere with the authority of the proper officers of the Government to make such lawful regulations or orders as they may deem necessary to secure safety at sea and prevent excessive hours of labor.

Any failure to comply with this provision shall subject the master or owner of such vessel to a fine of not less than \$100 and not more than \$500.

Sec. 16. That the owner, agent, or master of every barge which, while in tow for 50 miles or more through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of sections 10, 11, 12, and 13, of chapter 314 of the Statutes at Large, approved June 20, 1874, and the reports therein prescribed shall be transmitted by collectors of customs to the Secretary of Commerce and Labor, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the department in respect to such accidents.

Sec. 17. That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, ought to be terminated, and to this end the President be, and he is hereby, requested and directed, within 90 days after the passage of this act, to give notice to the several Governments, respectively, that so much as hereinbefore described of all such treaties and conventions between the United States and foreign Governments will terminate on the expiration of such periods after notices have been given as may be required in such treaties and conventions.

Sec. 18. That upon the expiration after notice of the periods required, respectively, by said treaties and conventions and of one year in the case of the independent State of the Congo, so much as hereinbefore described in each and every one of said articles shall be deemed and held to have expired and to be of no force and effect, and thereupon so such of sections 4,081 and 5,280 of the Revised Statutes as relates to the arrest or imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, shall be and is hereby repealed.

Sec. 19. That this act shall take effect, as to all vessels of the United States, 90 days after its passage, and as to foreign vessels 12 months after its passage, save and except that such parts hereof as provide for the abrogation of any stipulation by treaty or convention with any foreign nation shall only take effect after such notice, and at the expiration of such time as may be required by the terms of such treaty, stipulation, or convention.

Section 5,280, Revised Statutes, repealed.

Mr. BURTON. Mr. President, the two main objects of this bill are the amelioration of the condition of seamen and greater safety of life at sea. One main feature of it is a provision for the abrogation of treaties with foreign countries under which deserters from their ships can be arrested in our ports. Unfortunately, bitter antagonism has arisen between the advocates and the opponents of this bill, each expressing very radical views. The Committee on Commerce of the Senate has given a hearing to all who were interested. It has given greater consideration to this bill than to any other measure before it at this session, and has reported this substitute, which, it is thought, will secure a very great advance in the condition of the seamen. While it imposes very severe restrictions and duties upon the shipowners, the amount of hardship involved is not greater than that which they should willingly accept.

The committee has also considered the question of our relations with foreign countries. This bill interferes with existing

treaties with some 18 or 20 nations; but in that we have sought in every way to express the intention of Congress with decorum and proper diplomatic spirit, and we think the modifications required in our treaties are not more than should be accepted by the shipping interests of foreign countries.

In no field of legislation has there been greater advance in recent years than in laws relating to the welfare of American workmen. Numerous laws have been passed, both by State legislatures and by Congress, intended to protect the life, limb, and health of men and women employed in all occupations, but especially in those regarded as hazardous. Children have been excluded from many occupations, and their employment radically limited in others; hours of labor have been reduced, and working conditions have been very generally improved in practically all of our leading industries.

It is one of the important purposes of this bill to carry the spirit of that legislation into the laws and regulations affecting American seamen engaged in the merchant marine of the United States.

Many of the worst evils incident to sea life have already disappeared in the normal development of water transportation. Many have been abolished by legislative enactment or departmental regulations. It will be admitted, however, by all who are familiar with existing conditions that there still exist certain conditions that ought to be remedied. While arrest and imprisonment as a penalty for desertion have been almost wholly discarded in actual practice, the statutory authority and treaty obligation to enforce such arrest and imprisonment still remain. One of the important purposes of this bill is to secure the abrogation of all treaty provisions relating to arrest and imprisonment of seamen, and, contingent thereon, to repeal the sections of our Statutes at Large which carry these provisions into effect in the United States.

In considering the House bill and framing its amendment the Senate committee has constantly had in mind the paramount purpose of promoting safety at sea, so far as it can be accomplished by requirements relating to the number, efficiency, discipline, and training of the crew. In this connection special attention is called to section 14, which provides:

No vessel carrying passengers, except those navigating rivers and harbors exclusively, shall depart from any port of the United States unless she shall have a sufficient number of efficient lifeboat hands, which in no case shall be less than two for each lifeboat that such ship is required to carry, to launch and handle the prescribed lifeboats and life rafts.

And it provides a method of testing the efficiency of such boat hands.

In support of the provisions of the section just mentioned, the ninth paragraph of section 8 provides a penalty for refusal on the part of seamen to engage in boat practice or drill. The rules and regulations promulgated by the Bureau of Inspection of the Department of Commerce and Labor, which by statute have been given the force and effect of law, provide that the license of an officer of any vessel may be revoked in the event of his refusal to require fire and boat drills at such intervals and in such manner as are laid down in these rules and regulations.

It is believed, therefore, that the provisions of this bill, taken in connection with existing rules and regulations, will establish a high standard of lifeboat efficiency in the merchant marine of the United States—probably a higher standard than exists in any other nation of the world.

I now ask the attention of the Senate to a recapitulation of the provisions of the bill as recommended by the Senate committee. I shall endeavor to compare the paragraphs or sections, as recommended by the committee, both with the existing law and with the provisions of the House bill.

Section 1 of the amendment, found on page 19, is a mere re-drawing of section 4516 of the Revised Statutes, and is in the exact language of the House bill. It provides:

In case of desertion or casualty resulting in the loss of one or more of the seamen, the master must ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same or higher grade or rating with those whose places they fill, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections.

The two preceding sections relate to the engagement of seamen. Not only is this section in the exact language of the House bill, but it does not differ from existing law save in slight changes of phraseology. On this section there was absolute agreement on the part of everyone.

A part, however, of section 1 as set forth in the House bill is incorporated in section 2 of the committee substitute. That is done because there is little relation between the two portions of section 1 as it came from the House.

Section 2 reads:

In all merchant vessels of the United States the sailors shall, while at sea, be divided into at least two and the firemen into at least three watches, which shall be kept on duty successively for the performance of ordinary work incident to the sailing and management of the vessel.

This is an important addition here, Mr. President, to the present law. The present law does not provide for the division of seamen into watches. The only existing restriction upon requirements as to hours of labor is contained in laws and regulations which provide that the supervising inspector and the local inspector must see that a vessel is properly manned—that it has sufficient seamen—and in performing that duty they incidentally look after the welfare of the men with a view to providing against excessive hours of labor. There have been, however, very many complaints that in some instances the men have been required to work 20 hours consecutively, or even more. This bill divides the hours of labor of seamen into watches, and thereby limits the hours of those on deck to 12 and of firemen to 8.

The strongest opposition was made by certain vessel owners to the provision for three watches for the firemen. The committee, however, were unanimous in the opinion that to subject a man to 12 hours' labor in a fire hold is excessive; and notwithstanding it may require the services of an additional man or number of men on a considerable number of boats we think that should be carried into positive law.

Following the language I have just read occurs this:

But this provision shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, all the sailors or all the firemen or the whole crew is needed for the maneuvering of the vessel.

On this clause there was a considerable difference of opinion between the seamen and vessel owners. The form in which the sailors desired to have it enacted was this:

But this provision shall not limit either the authority of the master or other officer or the obedience of the seamen when, in the judgment of the master or other officer, the whole crew is needed for the maneuvering of the vessel.

That is, all recognized that emergencies might occur when men, whether on watch or not, would necessarily be called out. The seamen favored limiting this emergency to occasions in which the calling out of the whole crew was required. The vessel men, on the other hand, insisted that the language should be:

When in the judgment of the master or other officer more than one watch or the whole crew shall be required.

This is an amendment which, at first sight, seems very plausible. That is, if the emergency is not of the gravest nature, and one or two or three men more are required, but not the whole crew, why not call them out?

To that the seamen objected, and, I think, justly and properly, saying that it would afford a constant excuse for evading the law by calling out one, two, or three men when no real emergency existed, and thereby nullifying entirely the purpose of the watch and watch system. The committee, however, did make a change in the bill as it came from the House. Instead of limiting the emergency to one in which the whole crew is required, they provided:

When, in the judgment of the master or other officer, all the sailors or all the firemen or the whole crew is needed.

That is, an emergency might occur in the fire hold; as, for example, a pipe might burst and there would be no occasion whatever to call out the men on the deck. On the other hand, an emergency might occur requiring all hands on deck and there would be no call for extra men in the fire hold. We modified the House provision to that extent, but rejected the provision under which one or more men of a watch could be called out.

The next provision is one in which we practically followed the House bill, except that the holidays are specified.

While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following named legal holidays.

The language of the House bill was:

No unnecessary work on Sundays or legal holidays.

The committee, on considering that provision, found that there were no holidays specified by United States statutes, and it chose to set forth in this section specific holidays generally recognized by the several States, which are New Year's Day, Washington's Birthday, Good Friday, the Fourth of July, Labor Day, Columbus Day, Thanksgiving, and Christmas—eight in all.

But this provision shall not prevent the doing of work necessary to the dispatch of a vessel on regular schedule or when ready to proceed on her voyage.

That is the same as in the House bill. Then follows:

At all other times while the vessel is in a safe harbor, nine hours, inclusive of the anchor watch, shall constitute a day's work. Whenever the master of any vessel shall fail to comply with this section, the sea-

man shall be entitled to discharge from such vessel and to receive the wages earned. But this section shall not apply to fishing or whaling vessels, yachts, vessels of less than 300 gross tons or vessels whose regular schedule between terminal ports does not exceed 24 hours.

In that regard there is a change from the House bill. I wish to say, Mr. President and Senators, that one of the greatest difficulties in framing this bill has been to fix general regulations for the shipping of the United States. With all the varied sizes of the boats, with the different speeds of different vessels, the different lengths of the runs which they make, the difficulty of fixing uniform regulations is perfectly obvious. One regulation might be a very proper one where a boat runs only 12 hours and entirely an inadequate provision where a boat runs a week, and vice versa. On a long voyage regulations might be enforced which would be extremely burdensome on a short run. On short runs much of the time of the men is spent in port; they have opportunities for rest and recuperation which would not belong to the sailors on a long voyage. For instance, if a voyage was only 10 hours and a general provision that firemen shall work only 8 hours were in force, it would require two shifts of firemen. On the other hand, it must be said that at the close of 10 hours the firemen would have a period of rest, varying according to the itinerary of the voyage.

So the Senate committee inserted this provision, that the rules should not apply where the vessel is "less than 300 gross tons or vessels whose regular schedule between terminal ports does not exceed 24 hours." To guard against hardship and oppression, however, the Senate committee adds this provision:

That no member of the crew shall be required to be on duty more than 12 hours out of any 24 hours, except in cases of emergency as hereinbefore provided. But this exemption shall in no way interfere with the authority of the proper officers of the Government to make such lawful regulations or orders as they may deem necessary to secure safety at sea and prevent excessive hours of labor.

Section 3 does not differ materially from the existing law. There is a slight difference from the House bill which, I think I may confidently assert, is an improvement. This section has relation to the payment of wages to seamen. It provides that—

The master or owner of any vessel making coasting voyages shall pay to every seaman his wages within two days after the termination of the agreement under which he was shipped.

The regulation in the case of foreign shipping authorizes a slightly longer interval. Under the existing laws vessels sailing from a port on the Atlantic to a port of the Pacific or vice versa are subject to the same regulations as foreign vessels, and a somewhat longer interval is allowed before the payment may be made. The committee thought it best to put voyages between the Atlantic and the Pacific on the same footing with other domestic shipping. The reason for this is accentuated by the opening of the Panama Canal. In any event we think it a just regulation to require that the wages be paid on such a voyage as promptly as on any other domestic trip.

Section 4 of the bill makes a very vital change in the existing law. It provides that—

Every seaman on a vessel of the United States which, prior to the completion of her voyage, shall enter any port for the purpose of loading or delivering cargo shall, upon demand made subsequent to entering such port, be entitled to receive from the master of the vessel to which he belongs, within 48 hours after demand therefor, one-half part of the wages which he shall have earned at said port.

The vital change is this:

And all stipulations of contract to the contrary shall be null and void.

Under the existing law a payment may be made in port, but the sailor can contract away his right to demand it. This provision provides that no stipulation of contract shall prevent him from demanding a share of the wages due.

There is this further proviso for the protection of the vessel not contained in the House bill:

That wages earned during the first five days of service shall not be due or subject to demand prior to the completion of the voyage or expiration of contract.

That is, on a voyage of 30 days the seaman could not claim half the wages for 30 but only for 25 days, omitting the first 5 days.

Then follows this language:

When the voyage is ended every seaman shall be entitled to the remainder of the wages which shall then be due to him. This section shall not apply to fishing or whaling vessels or yachts.

That is existing law.

There is a change made in the bill, however, by omission. The House bill contained a provision making this section applicable to foreign ships. The Senate committee struck that out, as we do not believe that we have any right to interfere with the management of foreign ships on articles signed abroad. But we did make it applicable as follows:

Provided further, That this section shall apply to seamen on foreign vessels owned in major part by American citizens, corporations, or

holding companies when such vessels are in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement.

That provision is one about which there may be a variety of opinion, but the committee voted to put it in.

Section 5 is severed from the paragraph in which it appeared in the House bill, as it is thought that it should be made to amend the section to which it applies. The present statute provides, in effect, that any release, signed and attested by a sailor, "shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement." Then follows this proviso, which is in both the House bill and the Senate amendment, and is a modification of the existing law:

Provided, That any court having competent jurisdiction may, upon good cause shown, set aside such release and take such action as justice may require.

The committees of both Houses, I take it, thought that this was a fair provision to relieve the seaman from the effect of having signed a release when he did it ignorantly or without a proper understanding of what he was doing.

Section 6 contains a somewhat material provision incorporated in both Senate and House bills. Under the existing law the master or second officer and a majority of the crew may, while a boat is in a foreign port, complain that she "is in an unsuitable condition to go to sea because she is leaky or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not or have not been during the voyage sufficient or wholesome." Then the question is put up to a consul to have a survey made. The House provision and the Senate provision as reported are the same. It gives the authority to a majority of the crew to make complaint, so that the clause would read "the first or second officer or a majority of the crew" may make this complaint and cause the survey.

This, Mr. President, it seems, is a somewhat severe requirement; a boat may be tied up in this way; but it squares with the law of Great Britain and, I believe, several other maritime countries. While it seems severe, it does not, on the other hand, seem fair that the crew of a boat should be compelled to go to sea when a majority of them think her to be leaky or unseaworthy, or that there are not sufficient supplies upon her.

Section 7 has been very carefully drawn by the Senate committee. We have given much time to it and examined the laws of other countries, especially Norway and Germany. It has two classes of provisions, one relating to boats already built and the other to boats hereafter to be constructed. The Senate committee increases the cubic space and the floor space which the House bill provided. The House bill provided 16 feet of floor space, which the Senate bill enlarges to 18. The House bill provided 100 feet of cubic space; the Senate bill under this amendment provides 120.

The bill as recommended by the Senate committee also provides for a separate hospital section and for proper care and sanitation. I think it is hardly desirable for me to go into this at length. The provision as contained in the bill now before the Senate is, it seems to me, a very material improvement on the House bill. It not only gives greater space, a separate compartment for a hospital, but goes more into detail as to the provision for cleanliness. The section, I may say, provides adequately for suitable washing facilities, and especially for the firemen, to be arranged in such a manner as not to expose them when overheated from work in the furnace room.

Section 8 is a definition of the offenses committed by seamen. This is for the most part existing law. There are two changes. One of them is of quite an important nature. I will go over this hurriedly:

Whenever any seaman or apprentice lawfully engaged on any merchant vessel of the United States commits any of the following offenses he shall be punished as follows:

The punishment is—

by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

That is the existing law.

There is one change from the existing law running through this section contained both in the House and the Senate bill. The boats engaged in the domestic trade are put on the same footing as boats in the foreign trade. As the law now is there are some slight, not very material, differences between the punishment inflicted in the two cases, the idea being, perhaps, that desertion and other offenses in a foreign port is a more serious matter.

Mr. CRAWFORD. Will the Senator permit me to ask him a question?

Mr. BURTON. Certainly.

Mr. CRAWFORD. In the first subdivision of this section the provision for imprisonment has been omitted, or do I understand that at some previous Congress it was stricken out?

Mr. BURTON. No.

Mr. CRAWFORD. It is stricken out.

Mr. BURTON. I will explain that. I am very much obliged to the Senator for calling my attention to it.

Mr. CRAWFORD. It is an omission here.

Mr. BURTON. If he deserts, as the law now is, when in a foreign port, he not only forfeits his clothes and the effects he leaves on board and all or any part of the wages earned, but may also, at the discretion of the court, be punished by imprisonment of not more than one month. That is stricken out.

The second paragraph contains a rather material change from the existing law:

For neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel or for absence without leave at any time within 24 hours of the vessel's sailing from any port.

If that offense occurs in a foreign port, he is now punishable at the discretion of the court by imprisonment of not more than one month. The imprisonment is stricken out.

The third offense is that of quitting the vessel without leave. Under the existing law the punishment is the same, whether in a foreign or domestic port. There is no change except a verbal one to strike out the enumeration of the two.

In the fourth, "willful disobedience to any lawful command at sea," the punishment is severe; "by being at the option of the master placed in irons until such disobedience shall cease." All parties who appeared before us agreed that this punishment, severe as it may seem, is necessary for the maintenance of discipline on board a vessel at sea.

Fifth, "for continued willful disobedience to lawful command." There is no change in the existing law except it recognizes the fact that the difference is abolished between domestic and foreign trade.

In the sixth subdivision there is, I believe, no change from the existing law except striking out the words "in whatever trade engaged," to make it square with the rest of the section. The Senate committee, however, decided to report a modification here. As the law now is and as the bill passed the House this was the provision:

For assaulting any master or mate, by imprisonment for not more than two years.

Mr. CRAWFORD. Will the Senator permit me to interrupt him again?

Mr. BURTON. Certainly.

Mr. CRAWFORD. I want to get this right. I call attention to section 4596, the first subdivision, which contains this provision:

For desertion, by imprisonment for not more than three months, and by forfeiture of all or any part of the clothes or effects he leaves on board, and of all or any part of the wages or emoluments which he has then earned.

That is in the Revised Statutes of 1878. The Senator is so much more familiar with these provisions than I that I wanted to be sure that this is the existing law.

Mr. BURTON. That is the existing law.

Mr. CRAWFORD. The Senator had spoken of one month's imprisonment, as if it was a matter left to the discretion of the court; but this would appear to be three months' imprisonment, and a forfeiture of clothing and a forfeiture of wages.

Mr. BURTON. I do not know but that I misunderstood the Senator from South Dakota in regard to that. I did not follow with the utmost care the reading. So far as the penalty is concerned, it is changed. The existing law is also at the discretion of the court by imprisonment for not more than one month.

Mr. CRAWFORD. Then there has been a change?

Mr. BURTON. There has been a modification of the statute, if the Senator is reading from the statute of 1878, or one prior to that date.

Mr. CRAWFORD. It is; and that is the point I wanted to make an issue of, because I knew the Senator to be familiar with these changes.

Mr. BURTON. The Senate committee thought best to change the language "master or mate" to "master or other licensed officer." This seems to us a much better provision. The offense might be as serious if the seaman assaulted the chief engineer as if he assaulted the first mate. I do not think any special objection was made to that change.

The seventh provision includes punishment "for willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo." No material change is made from the present law, except that it includes the amendments already made clear that there is to be no distinction between the foreign and the domestic trade. I may say, that I may make myself

entirely clear, that trade with Canada, Mexico, and the West Indies was put on the same footing with domestic trade under the old statute.

The eighth paragraph provides punishment for any act of smuggling which is certainly no more severe than the present law, and I think everyone is satisfied with it.

The ninth subdivision awakened some little opposition. It was not in the bill as passed by the House, but the Senate committee thought, in view of the supreme importance of skill in the handling of lifeboats, there should be a provision for frequent lifeboat drills, and that if a seaman refused to take part in those drills he should be punished. So we framed this provision.

Mr. CUMMINS. Mr. President—

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

Mr. BURTON. Certainly.

Mr. CUMMINS. The Senator has just said that subdivision 9 of section 8 is not in the House bill. In order that we may fully understand it, may I ask him whether it is in the present law?

Mr. BURTON. It is not in the present law.

Mr. CUMMINS. So it is an entirely new provision.

Mr. BURTON. Yes.

Mr. CUMMINS. I shall have occasion after the Senator has finished to comment upon that particular provision.

Mr. BURTON. The new provision is:

For each refusal or willful neglect to engage in boat or fire practice or drill, and for each refusal when engaged in boat drill, and so directed by the master, to efficiently assist in launching the ship's lifeboats the seaman shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not more than one year and by forfeiture of all wages earned.

Mr. President, I repeat that we thought lifeboat drills and fire drills were of such importance that a severe penalty ought to be imposed if the seaman refused to engage in them.

We have heard a great deal about the loss of life on the *Titanic* and on the *Rio* and other boats. We must recognize that in a case of emergency efficient boat hands are necessary to promptly handle the lifeboats, and in order to obtain the necessary skill, to meet emergencies or danger, these frequent drills should be had. We do not think it unwarranted to visit a severe penalty upon a seaman who refuses; otherwise we would have felt that all our agitation in regard to lifeboats, all the interest that this has excited since the frightful loss of the *Titanic*, was more or less lacking in practicability, to say the least.

Mr. CUMMINS. Just one more suggestion in order that everybody may understand the bill as the Senator proceeds. The subdivision applies when the vessel is in a safe port as well as when the vessel is at sea. I am right about that?

Mr. BURTON. Certainly. Many of the lifeboat drills would necessarily be held while the boat is in the harbor. The objection was made by the seamen that this provision could be used as an instrument of oppression; that just as a man was about to leave his boat the master might order a lifeboat drill and prevent him from exercising the liberty which he otherwise would have to leave. To meet the situation the Senate committee put in this proviso:

Provided, That no boat or fire drill shall be called for the purpose of preventing the men from quitting the service.

I do not think that really assumes any very great practical importance, but in order to make assurance doubly sure it was inserted.

Mr. BORAH. Mr. President—

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

Mr. BURTON. I do.

Mr. BORAH. What protection would the seaman have as against the inner consciousness or purpose of the man who was calling the drill?

Mr. BURTON. He could say, "I intend to leave, and you shall not order me to do this at this time"; and, again, if the object of the master was clearly to prevent men from leaving, he could not enforce the order.

Mr. BORAH. How could anybody except the man who was giving the order know what the intent was?

Mr. BURTON. It is more sweeping than that. A man can go if he wants to go. He can say, as I have just related, "I desire to leave the ship; I will not obey your order to engage in this fire drill"; and in that case he is relieved from the penalty herein provided. So, whether it is for a legitimate purpose, a bona fide fire drill, or to prevent him from leaving, in either case the seaman has his remedy in the way of leaving.

Mr. BORAH. By quitting the service?

Mr. BURTON. By quitting the service.



Mr. CUMMINS. But suppose when the boat reaches port the master should issue an order that there will be a boat drill or a fire drill every day during the stay of the boat in port, at 3 o'clock or any other hour, under the terms of this provision it would absolutely prevent any seaman from leaving the boat or quitting the service without incurring the penalty. It will afford no barrier to his leaving the ship at any time he pleases.

Mr. BURTON. I would say that, in drawing a statute of this kind, I do not think it is desirable to take into account the possibilities of an intent that was probably criminal. I do not really believe there is any necessity for this proviso here, but it is put in merely to make it secure.

Mr. CLAPP. I am not as familiar with the bill as I should like to be, but I wish to ask. Does the Senator from Ohio mean that the seamen can avoid the penalty flowing from the order and its refusal by merely declaring their intention to leave and accompanying the declaration with the fact of leaving?

Mr. BURTON. Certainly.

Mr. CLAPP. That is not my understanding of the language.

Mr. JONES. Would not the mutiny provision of the law meet this situation sufficiently?

Mr. BURTON. I think there is some doubt in regard to that. It seemed best to sever this out and make a separate provision. If the Members of the Senate think that this is too strong a provision, and that we can waive the necessity of fire-boat drills, the Senate committee has no special desire to keep in this provision. We think, however, as we have been making such loud protestations that we desire there should be skillful boatmen on these vessels, that we should provide that skill by compelling drills and compelling the men to take part in them.

Mr. BORAH. Mr. President—

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

Mr. BURTON. I do.

Mr. BORAH. I did not hear the question asked by the Senator from Washington [Mr. JONES].

Mr. BURTON. It was whether this would be covered by the mutiny law.

Mr. BORAH. Then, what I was going to ask was, whether there was any other provision of law which would cover the situation when the ship was at sea?

Mr. BURTON. I think when the ship is at sea there would be no doubt that this would be mutiny; whether it would when the ship was in port I question.

Mr. BORAH. If at sea, it would be covered by another provision of law?

Mr. BURTON. I am inclined to think so.

Mr. JONES. I want to say that, of course, I want to see these fire drills kept up; I think they ought to be required; but out of this agitation that we have had, I do not want to see us go to an extreme in our treatment of the sailor himself. It seems to me that the provision with reference to mutiny, punishment for disobedience of orders, and so forth, would furnish a reasonable precaution against refusals of this character.

Mr. CRAWFORD. Is not the question there as to whether those provisions apply to a boat when she is lying in port and the crew may be off the ship part of the time and on the ship part of the time? That seems to be a place where it is necessary in order to have efficient boat drills to have a great many of such boat drills, and if the law as to mutiny at sea can not reach the case of a vessel in port, it would seem that some other provision is required.

Mr. CUMMINS. But, Mr. President, may I suggest to the Senator from South Dakota [Mr. CRAWFORD] that it is to be assumed, when the vessel is in port, if one seaman leaves the ship his place can be supplied and the boat drills can proceed. I think if a man wanted to leave the ship or wanted to incur the penalty of dismissal for a refusal to obey orders of this sort, the only penalty ought to be dismissal from the service. I think that in that way efficiency of a higher order could be secured than by an attempt to imprison a man who would rather leave the service than engage in boat drills.

Mr. BURTON. While there is much in what the Senator from Iowa says, I think he hardly gives sufficient emphasis to the difficulty in many cases of obtaining substitutes for members of crews who desert. No master of a boat desires that he have a changing crew. Crews work together; there is a kind of teamwork among them. Oftentimes it is necessary to substitute persons who are untried. They may have certificates of service which give them a very good standing, but on drill they will prove to be inferior seamen.

There is nothing in section 9 that really requires attention.

Mr. NELSON. Mr. President—

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

Mr. BURTON. I do.

Mr. NELSON. I want to call the attention of the Senator from Ohio to the fact that the penalty in reference to the boat drill provision is less than the penalty in the case of mutiny at sea.

Mr. BURTON. It is very much less.

Mr. NELSON. The punishment is a great deal less, and it is made so purposely.

Mr. BURTON. Section 9 of the Senate bill, on page 30, as I have said, does not require attention. There is a vital change of existing law, and the provision is the same in the Senate substitute as in the House bill. In both the words of the existing law "reclaim deserters" are stricken out. That is made necessary by other provisions of the bill.

Section 10 of the Senate bill, on page 31, modifies existing law. Some years ago flogging and all other forms of corporal punishment were abolished and penalties prescribed for those who commit offenses of this sort. This act contains a provision which might seem to some severe, making the vessel itself liable for damages in case a subordinate officer is guilty of the flogging and the master allows him to escape. Perhaps it would be better to read that whole provision as it appears here:

SEC. 4611. Flogging and all other forms of corporal punishment are hereby prohibited on board of any vessel, and no form of corporal punishment on board of any vessel shall be deemed justifiable, and any master or other officer thereof who shall violate the aforesaid provisions of this section, or either thereof, shall be deemed guilty of a misdemeanor, punishable by imprisonment for not less than three months nor more than two years. Whenever any officer other than the master of such vessel shall violate any provision of this section it shall be the duty of such master to surrender such officer to the proper authorities as soon as practicable.

That also is existing law. In case the master fails to surrender the minor officer or to apprehend him and deliver him when required, and the failure results in his escape, the master is liable in damages. Just what the measure of damages would be in such a case it is hard to tell. I suppose, however, the master could be sued for the suffering inflicted on the seaman. The House bill goes further than the present law, and provides that in case the master fails to surrender the subordinate not only will he be liable for damages, but that the vessel will be liable. The Senate committee thought best to leave that provision in, but modified the House provision in some degree by adding after the words "as soon as practicable" the words:

Provided he—

That is, the master—

has actual knowledge of the misdemeanor, or complaint thereof is made within three days after reaching port.

I do not see that that weakens the House provision. It does, however, limit the liability of the master and the boat to one of two cases; that is, the master must either have actual knowledge of the flogging or complaint must be made within three days after reaching port. If complaint is not made within three days, but he has actual knowledge, the liability continues after the expiration of that period. If he did not have actual knowledge and complaint is made within the three days, the liability arises. It did not seem to us fair to hang over the master and the vessel unlimited liability, provided the master had no knowledge of the offense, and when, as might very probably be the case, the act was committed by some brutal mate or other subordinate without the concurrence or the knowledge of the master himself.

The next section—section 11—is one about which there is no disagreement whatever; that is as to the rations:

As regards the items of water and butter, so that in lieu of a daily requirement of 4 quarts of water there shall be a requirement of 5 quarts of water every day, and in lieu of a daily requirement of 1 ounce of butter there shall be a requirement of 2 ounces of butter every day.

The shipowners maintain that they already furnish a much larger supply of provisions than is required by statute, but it seemed to the committee that the mere fact that such was the custom was no reason why it should not be written down in the form of substantive law. There was no disagreement about that.

Section 12 makes a very material change in the existing law and, to an extent, affects our relations with other countries. I may say, Mr. President, that this section caused as much trouble as any part of the bill. It is now the law that it shall be "unlawful in any case to pay any seaman wages in advance of the time when he has actually earned the same or to pay such advance wages to any other person."

The reason for such a law is that the seaman is, in many particulars, peculiarly dependent. He may incur liability for board or lodging just before he receives employment, and he may, under existing law, give an order on the master of the vessel, providing that wages he shall thereafter earn, or a por-

tion of them, shall be paid to his boarding-house keeper, or to the person to whom he is indebted. But there has been found, Mr. President, to be a serious evil resulting from this practice. A class of men, acting as employment agents, some of whom are known under the name of "crimps," take advantage of the sailor, so that when he sails from port the wages that he will earn have been assigned, in many instances, for no adequate consideration. The present law provides that it shall be unlawful to pay wages in advance of the time when they are actually earned, or to pay such advance wages to any other person.

It is contemplated by present law that, if the wages were paid to the seaman himself, he might pay them over to some one else. That is guarded against in the House provision. The Senate amendment adds to the House provision a prohibition against the making of a note or any other evidence of indebtedness conditioned upon deducting the amount from a seaman's wages.

It also prohibits paying any person for the shipment of seamen when the payment is to be deducted from the seaman's wages; that is, an employment agent can not go to the steamship company and say, "That seaman owes me such and such an amount for obtaining a job for him, and I ask you to pay this amount from the wages which he will earn." The whole system of advance payment of wages, of notes, and of allotments is wiped out, save under one exception, which exists under the present law—that the seaman may make an allotment to certain relatives. I will come to that in a moment. The section further provides:

Any person violating any of the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and may also be imprisoned for a period of not exceeding six months, at the discretion of the court.

Then follows this provision:

The payment of such advance wages or allotment shall in no case, except as herein provided, absolve the vessel or the master or the owner thereof from the full payment of wages after the same shall have been actually earned, and shall be no defense to a libel suit or action for the recovery of such wages.

Not only is it made a penal offense to make these advances or notes or allotments, but the fact of having paid them does not prevent the seaman from demanding his wages and receiving payment, notwithstanding the transaction which has preceded.

There is also a provision, which I have already read, which does away with the employment agent, the "crimp," and renders it impossible for the master, without incurring a serious penalty, to pay any amount from the seaman's wages to anyone who has acted as a shipping agent and obtained employment for the seamen. Formerly, in certain specified cases, these allotments could be made without incurring a penalty; that is, they were lawful in the case of any seaman engaged in a vessel bound from a port on the Atlantic to a port on the Pacific or on a vessel engaged in foreign trade; but there were certain exceptions as to seamen on vessels plying between ports of the United States or on vessels plying between the United States and Canada, Mexico, Cuba, and the West Indies. That is all wiped out, and this prohibition is broad and of general application. The only exception is the making of allotments of any portion of the wages the seaman may earn to his grandparents, parents, wife, sister, or child. The statute very carefully provides, however, that no allotment shall be valid unless it is in writing and signed by and approved by the shipping commissioner.

Mr. President, the original provision in the House bill made this provision applicable to foreign vessels; but when the attention of the seamen was called to this fact they conceded that they could not control the arrangements made abroad, and they waived their request for the provision which is contained in the House bill, namely:

That this section shall apply as well to foreign vessels as to vessels of the United States.

In fact, when the agent of the seamen read this paragraph again, he stated that it was not originally intended to apply to allotments made on foreign vessels, say, at Hamburg, at Liverpool, or at some other foreign port. The Senate substitute, however, retains this provision in a modified form:

(e) That this section shall apply as well to seamen engaged in ports of the United States for service on foreign vessels as to seamen employed on vessels of the United States, and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation.

That is, if a foreign vessel, of the North German Lloyd, the Hamburg-American, or the Cunard Lines, whether a passenger steamer or a tramp boat, comes to the United States and engages, in any port of the United States, seamen for service, the

law against advance payments of wages and allotments is applicable.

Mr. President, I think we have provided an unduly severe penalty for violation of this section. I think the law should apply to the engagement of seamen by foreign vessels in the United States quite as much as to the engagement of seamen in ports of the United States by domestic vessels, and that a penalty should be imposed:

The master, owner, consignee, or agent of any foreign vessel seeking clearance from a port of the United States shall present his shipping articles, so far as they relate to the engagement of seamen in the United States, or a certified copy of the same, at the office of clearance—

That is all right thus far, but the language following is of serious import to shipping—

and no clearance shall be granted any such vessel unless the provisions of this paragraph have been complied with.

Mr. President, I shall at the proper time propose an amendment as follows:

The collector of customs may require the master, owner, consignee, or agent of any vessel to file a bond in the sum of not less than \$500 nor more than \$1,000 to secure the penalty of any payment imposed by this section, and clearance may be refused if such bond is not filed.

Mr. NELSON. Will the Senator yield to me?

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

Mr. BURTON. Yes.

Mr. NELSON. That would entirely vitiate the provision. Sailors, as we all know, are of a roving nature. They drift about from country to country and from ship to ship. Take the case of a sailor who has shipped on a foreign vessel in our country—we will say at the port of New York. That sailor is enlisted or employed on a foreign vessel, and this allotment law is violated. The "crimp," the man through whom the sailor is enlisted, succeeds in getting an allotment of his wages for two or three months. That sailor leaves and goes abroad. What is the good of a bond for him, and who is going to enforce it?

Mr. BURTON. Look, however, at the other side.

Mr. NELSON. The point is this: All the shipowner has to do is to file a copy of the shipping articles, so far as they relate to the enlistment of these men. That is a provision that can easily be complied with, and they ought to comply with it.

Mr. BURTON. This, however, is a question which might be litigated. A claim might be made that the boat has made one of these allotments when in fact she has not, and in that case—

Mr. NELSON. That is not the question here. If a copy of the shipping articles—that is, the enlistment papers—so far as they relate to these foreign seamen, is filed, that exonerates the ship and it is permitted to clear.

Mr. BURTON. Suppose the claim is made that there is some fraud in those articles; some one comes forward and says that they are not correct. That is not a question that you can in every case decide out of hand. I may say that a protest has come from the British Government against that paragraph.

Mr. NELSON. We are not legislating here for the British Government.

Mr. BURTON. Well, they use an argument which, I think, if the Senator from Minnesota will bear with me, is entitled to a very great deal of respect, which is that they are liable to be penalized in thousands of dollars if their boats do not leave on time, and to hold back a boat for the litigation or the settlement of a claim of this kind, whether or not they have made such a violation as this, is a penalty that is unduly severe. I state that for what it is worth.

Mr. FLETCHER. Mr. President—

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

Mr. BURTON. Certainly.

Mr. FLETCHER. Will the Senator from Ohio indicate where the amendment he proposes would be inserted in the section?

Mr. BURTON. I will read it. Strike out the last two words of line 14 and all of lines 15 and 16, on page 35, and insert in lieu thereof the following:

The collector of customs may require the master, owner, consignee, or agent of any vessel to file a bond in the sum of not less than \$500 nor more than \$1,000 to secure the penalty of any payment imposed by this section, and clearance may be refused if such bond is not filed.

I may say in this connection that I am informed by the seamen that they do not feel that there would be any serious trouble in the case of the liners, but that a tramp boat might come into some port, as Norfolk or Charleston or New York, and violate this law, and that, if it obtained clearance, no penalty could be enforced, as its next trip might be to Australia or South America, and it might not return, at least for a long period, to a port of the United States. For that reason this

very drastic penalty was suggested. If the Senator from Florida will examine the law, he will see that it is out of keeping with other penalties throughout the whole of this section. There is a further provision in this section:

That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation shall make the regulations to carry out this section.

Section 13 is one which does not materially differ from the existing law. It protects the wages due or owing seamen or apprentices. A change in its phraseology is made necessary by the provisions of the preceding section, which enlarge the prohibitions against payment from the wages which a seaman is to earn; that is, instead of "advance securities," the language contained in the present law, the word "allotments" is employed.

Both the House and the Senate bills make this section applicable to fishermen employed on fishing vessels. In this section there is no difference between the House and the Senate provisions.

I come now to a very important section of the bill, section 14. In this section the provision as it came from the House would absolutely exclude the American merchant marine from the foreign trade on the Pacific coast. It would require all crews there sailing from Hongkong to San Francisco or Seattle to understand not only the orders of the masters, but also the English language, practically to pass an examination in the English language. The committee have the very decided opinion that this provision is too drastic and severe. However much we would like to see these boats manned by American citizens or by Caucasians, there is a condition which we can not ignore. Boats of all other countries run either with Chinese or Japanese crews, and, in addition to that, many of those boats receive large subsidies from their Governments. We can, of course, by one fell swoop take our flag off the Pacific, except in coastwise trade, but we do not think it best to do so. We, on the other hand, seek to provide in every possible way for the safety of human life, and we have inserted provisions which secure that end. They are as follows:

Sec. 14. That no vessel, except those navigating rivers exclusively and except as provided in section 1 of this act, shall depart from any port of the United States, unless she has on board a crew not less than 75 per cent of which, in each department thereof, are able to understand any order given by the officers of such vessel, unless the crew in each department shall include a sufficient number of seamen who understand the languages of both officers and crew, through whom the orders of the officers may be communicated in a manner to be readily understood by the seamen, in any department, to whom such orders are given. The number of seamen through whom the orders of the officers may be transmitted shall not be less than the number of lifeboats such vessel is required to carry, and at least one of such seamen shall be assigned to each lifeboat.

That is, if she has 10 or 15 or 20 lifeboats there must be at least one for each lifeboat who can communicate the orders between the two.

Mr. POMERENE rose.

Mr. BURTON. Mr. President, I have occupied altogether more time than I had anticipated I would, and I know there are others who desire to speak, so I shall hasten on.

Mr. POMERENE. Mr. President—

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

Mr. BURTON. Certainly.

Mr. POMERENE. May I ask whether the amended bill represents the unanimous views of the committee?

Mr. BURTON. In this particular I think so, with possibly one exception. I should say to my colleague, in frankness, that not all the members were present at all times, but we sought to keep in touch with all of them.

Mr. POMERENE. Are there any objections to the bill so far as concerns those provisions which relate to the comfort and convenience of seamen?

Mr. BURTON. Not at all; certainly not.

Mr. POMERENE. The opposition was largely to the—

Mr. BURTON. It was largely to the section about which I am now speaking.

The Senate committee has inserted a provision here not contained in the House bill, and has struck out that which was in the House bill. The House bill, immediately after the provision which I have read, provides that 40 per cent in the first year after the passage of the bill, 45 per cent in the second year, 50 per cent in the third, 55 per cent in the fourth, and thereafter 65 per cent of the deck crew of the vessel, exclusive of licensed officers, shall be of a rating not less than able seaman, and that no vessel carrying passengers, except those navigating rivers and harbors exclusively, shall be permitted to depart from any port of the United States unless she shall have a sufficient crew to man each lifeboat with not less than two men of the rating of able seaman or higher.

This is a provision that it is utterly impracticable to carry out. It would require that there should be two able seamen for every lifeboat. There are lifeboats to the number of 40 on some ships where the crew does not number more than 20, and it would require on each trip the carrying of 60 men in addition to those now carried. It would be impossible, from the list of seamen available, to recruit a sufficient number to comply with this requirement. But, more than that, the committee did not regard this test as one which will insure safety on board ship. The experience of those who took part in the *Titanic* investigation was that some of the very stupidest men who appeared as witnesses were seamen who had served not only three but four and five years.

We are not ready to recommend to Congress a bill which makes the test of skill in handling a boat and in saving human life the number of years that a man has served on a boat. Instead of that requirement, while wishing to recognize that class and to encourage men to become veterans on board ship, we have provided here in the next section or paragraph on page 37:

No vessel carrying passengers, except those navigating rivers and harbors exclusively, shall depart from any port of the United States unless she shall have a sufficient number of efficient lifeboat hands, which in no case shall be less than two for each lifeboat that such ship is required to carry, to launch and handle the prescribed lifeboats and life rafts.

That makes it necessary to have at least two for every lifeboat; but we do not say, because a man has been three years on board a boat, when those years may have been years during which his capability has not increased, that he can man one of them. They must be competent boatmen, and they may be supplied from any branch of the service.

I wish to say that everyone who appeared before the committee who took a dispassionate view of this question, who took neither the side of boat owner nor that of seaman, joined in that opinion—that the test of three years' service was neither practicable nor desirable. Much as I should like to see the number of our sailors increase, I do not think this is a practicable way to accomplish it. They are a shifting class; crews change, not only from month to month, but from week to week, and from trip to trip. If the manning of vessels were restricted to this class of seamen, many boats would be tied up much of the year.

Again, it was the unanimous opinion of the masters who appeared before us—and I do not believe they were so governed by prejudice that they would not tell the truth—that many of the brightest men and the best sailors were those who lived around on the shores of bays and of rivers or who came off of farms—healthy, strong, and ambitious young men, who in a few months showed a capability for usefulness on board ship that was oftentimes lacking in those who had served for years.

The House bill defines the regulations, and requires specific tests. Of course this provision would embroil us with practically every country with which we have any trade. It would be saying to them: "We will determine the class of men you shall have to man your boats," and there would have to be a revocation of the treaties, not only in regard to desertion, but in these other respects.

Section 15 of the bill defines a seaman, and says that he may be rated as an able-bodied seaman, which I take it the Members of the Senate know is one who has served three years at sea.

Mr. CRAWFORD. Mr. President—

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

Mr. BURTON. Yes.

Mr. CRAWFORD. Right there, would not a deck hand on a sailing vessel who had learned to splice ropes and rig sails and do that sort of work for three years be entitled to certification as an able seaman?

Mr. BURTON. I take it he would.

Mr. CRAWFORD. There is no distinction here with reference to whether his service was on a modern steamship, run by machinery, or whether it was on an old-fashioned sailing vessel, as to his being an able-bodied seaman.

Mr. BURTON. No.

On page 39 there is contained the provision which applies to wheelmen, or quartermasters, and lookout men. Quartermasters are synonymous with wheelmen. It is provided that they shall be of not less rating than that of an able seaman; but we do not restrict it to three years' service. We put in a provision that a man who has served one year might take an examination, and if he was found fit on that examination he should serve as wheelman or lookout man. I may suggest to the Senate that at the proper time I shall move to transfer page 39 to page 37, following line 20, because I think it more properly belongs there than in its present position.

Mr. NELSON. To what page?

Mr. BURTON. Page 37, after line 20, so as to bring together there all the provisions in regard to safety, and provide one penalty at the end.

Mr. President, section 16 is one with which I am frank to say I am not altogether satisfied. It seems to me the barge, such as many which are used, is a very dangerous craft in which to go to sea. The House provided that not more than one barge should be towed by any tug unless it was provided with sails or motive power. There was much discussion on this section. It appears that a very large business has grown up in which comparatively small wooden barges are used, drawing when light not more than two and a half or three feet, loading from 400, say, to 1,000 tons. They go from the waters of North Carolina sometimes through Chesapeake Bay and the Chesapeake & Delaware Canal and the Delaware River to Philadelphia. Sometimes they go out on the sea.

I am frank to say that there was no provision in the whole bill as it came from the House that appealed to me more strongly than section 14 of that bill—section 16 of the Senate bill. But it is alleged, on the other hand, that this business has been continued for many years, and that scarcely a life has been lost. Under these representations the committee made a change and inserted this provision:

That the owner, agent, or master of every barge which, while in tow for 50 miles or more through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of sections 10, 11, 12, and 13, of chapter 344 of the Statutes at Large, approved June 20, 1874, and the reports therein prescribed shall be transmitted by collectors of customs to the Secretary of Commerce and Labor, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the department in respect to such accidents.

Provision is made for investigation and report upon it, and goes no further. While I am not altogether satisfied with the form in which it appears in the Senate amendment, such representations were made to the committee that it seemed best to adopt it in this form.

Section 17 is one of the vital portions of this bill. As it is now, if a seaman deserts from a foreign ship in any port of the United States we are obligated by treaties to aid in his arrest and return to the vessel from which he deserted. That has been a feature of treaties and conventions with foreign countries from the very earliest days of this Government. But, Mr. President, I submit that the spectacle of taking a man who desires to leave employment on a merchant vessel and restoring him to that ship and compelling him to engage in a service which he desires to leave is alien to the spirit of our institutions. I do not think we are guilty of any discourtesy toward foreign nations when we say to them that we wish these treaties to be abrogated in so far as they require arrest for desertion—that we do not approve of returning to involuntary service any man who deserts from a merchant ship.

This feature alone in this bill would make it desirable that we should pass it, because it is not only a declaration of our principles but it affords these men relief from what they regard as an invasion of their natural rights. I fully recognize the force of the argument on the other side, namely, that a ship goes from port to port, often touches in a foreign land, and that to desert her is like deserting an army or a warship in time of battle. But in private employment I can not bring myself to believe that this country ought to sanction in any form, or lend its agency, by magistrates or police, to reclaiming those deserters.

We also, of course, abandon the right which we have by treaty for the arrest of seamen deserting from vessels of the United States in foreign countries.

I will read the section, briefly:

That in the judgment of Congress articles in treaties and conventions of the United States, in so far as they provide for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of the United States in foreign countries, and for the arrest and imprisonment of officers and seamen deserting or charged with desertion from merchant vessels of foreign nations in the United States and the Territories and possessions thereof, and for the cooperation, aid, and protection of competent legal authorities in effecting such arrest or imprisonment, ought to be terminated.

Then it provides the method for terminating these treaty provisions, which, of course, must be done diplomatically; but this is an express direction of Congress, a law declaring that we intend to bring to an end this practice of arrest for desertion.

Mr. TOWNSEND. Mr. President—

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

Mr. BURTON. Certainly.

Mr. TOWNSEND. Will the Senator inform me as to whether there are many desertions now, under existing law, from vessels landing in ports of the United States?

Mr. BURTON. I am told that there is no very great number, but that this is regarded by foreign countries as a preventive. It has awakened protest. There is no doubt about that.

Mr. TOWNSEND. Is it a regulation or a law that exists generally throughout the nations of the world?

Mr. BURTON. It does, although there are some exceptions to that; but it is the general rule that there may be arrest for desertion. I may say to the Senator from Michigan that as regards our domestic trade we abolished arrest and imprisonment for desertion in 1898.

Mr. TOWNSEND. I know that.

Mr. BURTON. That was an explicit declaration of our policy on the subject.

Mr. ROOT. Mr. President, I have just said to the Senator from Ohio, in an aside, that I understood him to reply to the Senator from Michigan that the amendment of section 4596 of the Revised Statutes still provides for one month's imprisonment.

Mr. BURTON. Only in case the offense is in a foreign port; not in case it is in a domestic port.

Mr. ROOT. So that now we have no arrest or imprisonment for desertion in a domestic port.

Mr. BURTON. We now have no arrest or imprisonment for desertion in a domestic port. If the desertion is in a foreign port, there may be a penalty imposed, at the discretion of the court, of imprisonment for not more than one month.

Mr. ROOT. Does the Senator understand section 4596 of the Revised Statutes to apply only to foreign ports?

Mr. BURTON. That is the law as it now is. The law as it is contained in the Revised Statutes has been modified. I have before me a print of the law as it now is, and I will read it. It prescribes the following penalty for desertion:

If the offense occur at a port of the United States or a foreign port in the domestic trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned.

If the offense occur at a foreign port in the foreign trade, by forfeiture of all or any part of the clothes or effects he leaves on board and of all or any part of the wages or emoluments which he has then earned, and also, at the discretion of the court, by imprisonment for not more than one month.

Mr. ROOT. That is the present law?

Mr. BURTON. Yes.

Mr. ROOT. May I ask a question of the Senator?

Mr. BURTON. Certainly.

Mr. ROOT. The change was made in 1898, I understand?

Mr. BURTON. I think so. I am not sure as to the time when we abolished the punishment of imprisonment for desertion when the offense was committed in a domestic port. I think it was in 1898.

Mr. ROOT. That would give time enough for some experience to take place. Did the committee get any light on the subject as to whether taking away the right of arrest and imprisonment in case of desertion of seamen in our home ports has increased desertion or has interfered materially with commerce?

Mr. BURTON. Certainly no one who appeared before the committee argued in favor of the restoration of imprisonment for desertion in the domestic trade.

Mr. LA FOLLETTE. Mr. President—

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

Mr. BURTON. I do.

Mr. LA FOLLETTE. Not to take the time of the Senator from Ohio, but to answer briefly the Senator from New York, I will say that while the desertions prior to the enactment of the law of 1898 were something over 5 per cent, since that time they have been less than 1 per cent.

Mr. BURTON. It was stated by some who appeared before the committee that there had been a considerable number of instances in which the boat had been deserted by her crew, and they had demanded additional wages before they were willing to return.

There is one other paragraph to which I wish to call attention, and that is the one relating to the punishment that is imposed for endeavoring, by force or threat, to prevent a seaman from obeying the order of his captain, and also for endeavoring, by force or threat, to prevent his employment. That is a provision inserted by the Senate committee. It was thought to be fair in view of the peculiar nature of the employment of seamen, the necessity for departing on schedule time, and

the very great interests involved in securing promptness in the dispatch of vessels.

Mr. President, the subcommittee submits this bill satisfied, as I said yesterday, that it is a greater advance than any bill and all bills which have been passed for the improvement of the condition of the seaman during the past 30 years. Even if some of these other reforms seem to us salutary it is desirable that in any movement of this kind we shall proceed with a reasonable degree of conservatism, because even if abuses do exist, we can not reform them all at one time without unduly disturbing this great business, which in many localities is now in a languishing state.

I trust that some opponent of the bill will now take the floor. I will ask the Chair how much time I have occupied. The PRESIDENT pro tempore. One hour and forty-six minutes.

Mr. WILLIAMS. Mr. President, it seems to me that some of the lessons that were thought to have been taught by the loss of the *Titanic* have been forgotten already. If there was one thing which more than another impressed itself upon our minds at that time it was the fact that the loss of life had been due so largely to the inefficiency of the crew and to the fact that there were so few able seamen aboard. In several cases the crew did not even know how to row a boat. So it seemed that while we were making legislation concerning the safety of construction of the ship itself the great thing to be done in the future was to require a sufficient number of able seamen to be able to take care of the ship properly in time of catastrophe.

Immediately after the loss of the *Titanic* a statement was issued by a number of the survivors, and from it I quote this:

The insufficiency of lifeboats, rafts, etc.  
The lack of trained seamen to man the same.  
Stokers, etc., are not efficient boat handlers.  
Not enough officers to carry out emergency orders on the bridge, to superintend the launching and control of lifeboats.

Mr. President, in addition to that—although it was not the case on the *Titanic*—it has been the case in several instances that the crew would not understand the language in which the orders of the officers were issued.

There has been prepared a list of notable marine calamities, to which I will refer.

For example, in the case of the steamship *City of Rio de Janeiro*, 128 lives were lost. She struck a reef and foundered at the entrance to San Francisco Harbor on February 22, 1901. She had a raw Chinese crew, who devoted their energies to saving themselves, and only three of the one hundred and odd passengers were taken into lifeboats.

There is the case of the steamship *Clallam*, where 50 lives were lost. She foundered in the Straits of Juan de Fuca January 8, 1904.

There is the case of the steamship *Slocum*, where 955 lives were lost. With that case we are all well acquainted. It occurred in the harbor of New York in 1904.

There was the case of the *Père Marquette*, where 27 lives were lost. The vessel foundered in Lake Michigan. Up to within five days of the time she foundered this vessel had been running excursions out of Chicago, carrying 1,500 to 2,000 people daily. Fortunately on the day she foundered she had only three or four passengers on board. Then there is the *Titanic* that we know all about.

The lesson that impresses itself in all these cases is the absolute inefficiency of the crew, the fact that there was not a sufficient percentage of able seamen to take care of the ship at the proper time. In one of the cases the crew, totally untrained, and Chinamen at that, took possession of all the boats and scuttled the ship and left some 200 and odd passengers, I believe it was, to perish.

Before this bill was amended by the committee it made ample protection and created safeguards and prescribed that there should be a sufficient proportion of able, trained seamen; that there should be at least two able seamen capable of rowing a lifeboat, and various other provisions which have been stricken out by the Senate committee.

I hold in my hand a short analysis of the most objectionable and dangerous clauses of the bill as reported from the Committee on Commerce.

In the first place, subsection 9 of section 8, on page 30 of the bill, provides one year's imprisonment for refusal or willful neglect to engage in boat or fire practice or drill, to efficiently assist in launching the ship's lifeboats. This is unnecessary because the fifth subsection of the same section 8, page 29, provides three months' imprisonment for willful neglect of duty as applied to the individual, and section 5359 of the Revised Statutes, the so-called mutiny section, provides imprisonment up to five years if done collectively.

In port this section would, at the discretion of the master or other ship's officer, interfere with proper rest or with the seaman's right to quit a vessel while in a safe harbor, thus restoring involuntary servitude in the coastwise trade when we have abolished it.

The proviso that no boat or fire drill shall be called for the purpose of preventing men from quitting the service is of no value, because the master or other officer's purpose is something personal to him and known only to him, and the burden of proof would be on the seamen that such was the intent of the master or the officer. This section ought to go out, because it restores just what the bill purports to abolish.

A seaman while at sea can not be replaced, and the common hazard in which every one upon the ship shares demands a prompt obedience of orders, but while in a safe harbor he can be replaced. The proper penalty, therefore, is dismissal, with or without money earned, as provided by the present law.

The committee ought not, as in this case, to go back and restore a part of the involuntary servitude which has been abolished. The loss of the promised job, the necessity for work, and his desire to get work seem to me a sufficient penalty, whether it be so regarded in all other vocations and pursuits or not; and there is no reason why a different rule should be applied when the seaman is in harbor.

Then, in section 12, page 33 of the bill, line 20, the following clause occurs:

or shall by any threat or force dissuade or prevent or endeavor to dissuade or prevent any person from taking employment on board any vessel, or shall by threat or force dissuade or prevent or endeavor to dissuade or prevent any person from remaining in the service of any vessel, on which he has shipped, and so forth.

Why make a Federal statute of that? The laws of the States prevail within the port. It seems to me that that is unnecessary.

Mr. BURTON. Mr. President—  
The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Ohio?

Mr. WILLIAMS. I yield.  
Mr. BURTON. If the Senator from Mississippi will yield to me for a moment, I would say that the precedent for that statute is found in a law punishing the masters passed quite recently:

Whoever, with intent that any person shall perform service or labor of any kind on board any vessel engaged in trade—

And so forth—  
shall procure or attempt to procure or induce another by force or threats—

And so forth.  
So that the vessel masters and the owners, notwithstanding that act is on land, are punished under a statute which contains exactly those same words; and it seemed to the committee—

Mr. WILLIAMS. What are the master and owner punished for?

Mr. BURTON. "Whoever by force or threats endeavors to induce anyone to go on board"—

Mr. WILLIAMS. That is a different thing.  
Mr. BURTON. I do not see that it is.

Mr. WILLIAMS. That is to stop kidnaping. It is to stop involuntary servitude.

Mr. BURTON. Oh, no.  
Mr. WILLIAMS. It is to stop the old press-gang work that had been abused in England and here for very many years.

Mr. BURTON. Oh, no. The Senator will notice what follows:

Induce or attempt to procure another by force or threats, or by representation which he knows or believes to be untrue—

And so forth—  
to go on board any such vessel or sign or in anywise enter into any agreement to go on board any such vessel to perform service or labor thereon.

The offense is merely inducing a person to enlist, to go on board the vessel. The punishment is quite as severe, and it is under the same circumstances.

Mr. WILLIAMS. Mr. President, no one is a seaman at all unless he has shipped on a vessel. This provision of the bill as it comes from the committee would substitute the jurisdiction of the United States court for the jurisdiction of the State court over misdemeanors committed within the State jurisdiction by men not seamen or upon men not seamen. The man is not a seaman until he has gone on board, until he has become a part of the ship's crew. You are attempting in this bill to substitute a Federal jurisdiction and authority upon men who have not yet become a part of the merchant marine, for whatever disgraceful or criminal thing it may be, it is a thing still punishable by the laws of the State, and which ought to be left to be punished, if at all, by the laws of the State.

In the second place, neither threats nor force as here used are defined. The force may be purely mental and the threat only in the mind of the one who claims to have been threatened. That opens a great door for the espionage class, for detectives and that sort of folk. Nobody would dare to assist a seaman in leaving either a foreign or a domestic vessel because of possible blackmail. Substantially similar laws were on the statute books of several States, and they have been repealed in the States of Massachusetts, California, and Washington. Whether it be wise to repeal them or not, whether it would be wise to reenact them where repealed or not, the fact still remains that it ought to be left to the jurisdiction of the State courts.

It would seem that this would destroy the system of equalization of operating expenses in foreign and American vessels taking cargoes or passengers from American ports.

Before freedom was given to the seamen in the coastwise trade by the act of December 21, 1898, I am informed that more than 5 per cent shipped either failed to join or later deserted the service, and since 1898, when we gave freedom to the sailors in the coastwise trade, the failures to join and the desertions have been reduced to about 1 per cent. The condition of the seamen has improved, and the shipowners are getting better service and the entire merchant marine is more satisfactorily working and more harmoniously working.

Now, Mr. President, section 14, on page 36, destroys the standard of skill in the crew set by the Court of Appeals of the Ninth Judicial District in the case of the Pacific Mail Steamship Co., volume 64, page 410, where the court held that the company had forfeited any right of limited liability. Why? Because the crew in that particular case could not understand and execute the orders made necessary as issued by the officers. It has been held well, in consequence of that, to provide that a certain percentage of the crew must be able to understand the language in which the orders are issued.

Section 14 of this bill is reactionary upon that subject. The crew legalized in this committee amendment is exactly the kind of a crew referred to in that case and on board of the steamship *City of Rio de Janeiro* at the time of its disaster. The provision would not improve safety at sea; it would decrease safety at sea.

Section 15, pages 38, 39, and 40, provides a standard of efficiency by defining able-bodied seamen, but excludes from its operation all freight vessels and all passenger vessels below 300 tons gross and "vessels whose regular schedule between terminal ports does not exceed 12 hours."

In other words, they erect a standard of safety and efficiency, and then turn around and exclude from the operation of the standard all freight vessels and all passenger vessels below 300 tons gross, and, what seems to be peculiarly shortsighted, all vessels whose regular schedule between terminal ports does not exceed 12 hours.

The *Slocum*, that went down in New York Harbor, and the ship to which I referred, that went down off Chicago, were ships whose trip did not exceed 12 hours; and so the ship that just happened to go down on a day when it did not have more than three or four passengers, but was in the habit of carrying from a thousand to fifteen hundred passengers every day, was on a route shorter than 12 hours. By what sort of legerdemain, of ratiocination anybody's mind can arrive at the conclusion that a man or a ship making a trip of only 12 hours ought not to have the same protection and safeguard thrown around him as if he were going to take a trip of five weeks, I can not understand.

Mr. CRAWFORD. That clause applies to the three-watch system, where a fireman or a wheelman or a lookout can only be employed on three successive watches during the 24 hours, but if the vessel is running only 12 hours it would be impossible to distribute three watches. That is the exception.

Mr. WILLIAMS. Section 15 provides a standard of efficiency by defining what shall be held to be able-bodied seamen. It exempts from the definition of what shall be held to be able-bodied seamen those on the character of vessels to which I have referred, making that sort of trips.

Mr. CRAWFORD. Will the Senator permit me? I am sure the Senator from Mississippi wishes to quote this correctly.

In line 14 it speaks of the requirement, but this requirement shall not apply to "vessels of less than 300 gross ton, or vessels whose regular schedule between terminal ports does not exceed 12 hours." Now, what is this requirement? It is not the part which goes ahead defining what is an able-bodied seaman, but it is the requirement that, while at sea, wheelmen and quartermasters and lookout men shall be divided into at least three watches.

I wish to say to the Senator from Mississippi that as this bill passed the House it did not require three watches for wheel-

men nor for lookout men, but only for firemen. The committee bill is better than the bill as passed by the House because it gives the three watches to the wheelmen and to the quartermasters and the lookout men, except that this requirement is not in force where the vessel is only out 12 hours. Am I not correct?

Mr. BURTON. It applies only to passenger vessels.

Mr. CRAWFORD. Only to passenger vessels.

Mr. WILLIAMS. I am inclined to think that the Senator is right. I think I made a mistake about that.

Mr. CRAWFORD. I simply wish to remark that if the Senator from Mississippi will study the bill carefully he will find that some of his criticisms upon the committee and upon the provisions of the committee's bill are not well taken.

Mr. WILLIAMS. Well, now, that is a matter of opinion. Wherever the Senator makes me see an error I will correct it, and if he has not the capacity or the knowledge to make me see it then I shall not correct it, and I shall not correct it because I do not think I ought to correct it. With regard to this particular matter I am inclined to think the Senator is right and that I was mistaken. I thought it referred to the beginning of the section, which says that a seaman shall not be entitled to the rating of A. B., that is to say, of an able-bodied seaman, unless he is at least 18 years of age, possesses a sufficient knowledge of the English language, and so forth.

But I see now that it is reasonable at any rate and probably true that a right construction of it is that it is a limitation only upon the three-watch system. If that is the case, what I said was erroneous.

Now, do not let the Senator criticize me wildly simply because he thinks I may sometimes criticize the bill wildly. This 12-hour provision refers to able seamen. I think it is pretty clear the Senator is right about that and I was wrong.

Mr. BURTON. If the Senator from Mississippi will allow me a moment—

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

Mr. WILLIAMS. Yes.

Mr. BURTON. On page 39, the Senate committee bill goes still further in providing for the wheelmen, quartermasters, and lookout men. There is also a provision as follows:

That if upon examination, under rules prescribed by the Department of Commerce and Labor, as to eyesight, hearing, and physical strength and knowledge of the duties, men found competent may be so employed, although they may have served only one year at sea, and no other men—

That is, whether they have served three years or six years or any time—

than those so qualified shall be employed at the wheel or as lookout.

That is a very decided improvement on the House bill.

Mr. WILLIAMS. Now, Mr. President, that expresses, in the main, my objection to the changes made by the committee in this bill. In one sentence it is this, that instead of going forward in the direction in which we face by the act of 1898 they are going backward from it.

I have never had anything revolt me more than the old system of involuntary servitude exerted upon men merely because they chose a seafaring life. When a vessel is at sea it is absolutely necessary that the captain should have arbitrary control of the vessel to the point of having power of life and death at times in order to preserve the safety of the crew and passengers and to put down mutiny and revolt. But the minute the ship gets to land, the minute she gets into the harbor where there is no more common hazard going to the lives of all, where the act of any man may destroy all, that moment the involuntary servitude ought to cease and it ought not to be resumed until that man makes himself again a member of the merchant marine by shipping upon a ship.

That is the theory which is in my mind, and it is a theory from which I see no reason to vary in any instance. I do not think it ought ever to be varied from at all. Sometimes the question has been argued from the case of a ship that goes over and lands at a port abroad, and some of the crew desert, and the ship is left without sufficient men to bring the ship home upon schedule time. It is true, every word of it, a hardship. Yes; but it is an equal hardship upon me if I am planting cotton, and in the middle of the season in the crop year a little band of darkies take up and leave and go to work on a railroad or at a sawmill because they can not make any money out of the crop. They leave me in the lurch; it is very true it is a great hardship, but that is no reason why I should hold them in involuntary servitude and make them labor at what they do not want to labor. It seems to me the same principle ought to prevail in connection with this question.

Mr. ROOT. Mr. President, I send to the desk a paper transmitted to me by the Chamber of Commerce of the State of New York containing the report of the committee on the harbor and shipping of that body. This is an expression from the chamber of commerce of the chief commercial city of the United States. I will ask to have it read.

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

The Secretary read as follows:

CHAMBER OF COMMERCE OF THE STATE OF NEW YORK.

Report from the committee on the harbor and shipping of the Chamber of Commerce of the State of New York in regard to Wilson Seamen's bill (H. R. 23673).

To the Chamber of Commerce:

House of Representatives bill No. 23673, known as the Wilson bill, which has passed the House and is now pending in the United States Senate, is entitled "An act to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports, and the involuntary servitude imposed upon the seamen of foreign countries while in the ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen."

Your committee has given serious consideration to this measure, and respectfully reports:

"The well-being of American seamen has always been an object of the chamber's solicitude. Its influence has, from the earliest years, been exerted for their protection and uplift. As early as 1796 it advocated strongly the passage of a law for the protection of sailors, and its records show how often since that time it has exerted all its power to secure for seamen adequate defense against abuses at sea and on land, and provision for care in sickness and old age. By law it elects one of the commissioners entrusted with the duty of licensing and regulating sailors' boarding houses; and one of the most laborious duties imposed upon the chamber's president is that of acting as trustee of Sailors' Snug Harbor. The chamber has always stood for the better protection of life and property at sea, for the more skillful manning of vessels, and for the better training of boys for the trade of seamen."

"It is therefore with no prejudice against the interests of American seamen that your committee on the harbor and shipping has taken up for consideration and report this Wilson bill. On the contrary, so far as the proposed enactment undertakes to justly improve the conditions of seamen, your committee believes it is entitled to support. The bill as drawn, however, would subject owners and masters of American and foreign ships to an 'involuntary servitude' quite as bad as that which it was formerly alleged existed in the case of seamen."

"It is one thing to protect seamen against the tyranny and injustice of an employer. It is quite another thing to give seamen the power to work injustice to their employers, and, if so disposed, actually to tie up the shipping of the world. In the recent report of the arbitrators in the controversy between the railways and the engineers the board, after stating that the balance of power in the control of wages had passed to organized labor, proceeded to show what a calamity would follow a general railroad strike. Your committee believes that an infinitely worse condition would be produced by a change of the balance of power from the shipmaster to the seamen's union. So exposed is the position of a ship at sea and in a foreign port, it is absolutely essential that control should remain with the owner and his agent, the master, and no laws should be enacted that would put him absolutely at the mercy of his crew."

"The commerce of the world would be heavily burdened by such a condition, the costs of conducting business would be greatly increased, and it would impose threatening and onerous conditions which would seriously retard the hope of the revival of an American merchant marine."

"The bill as it passed the House of Representatives would give seamen the right to desert at will, irrespective of the articles they signed on taking service. It can easily be imagined what would happen if a crew deserted in a port where other seamen were not obtainable. Section 12 of the bill provides that no vessel shall depart, etc., unless she shall have specific percentages of able seamen. This would appear reasonable, but the section further provides that in no event shall there be less than two able seamen in the deck department for each lifeboat carried. If it is to be compulsory to employ that number, then many vessels would be compelled to carry many more men designated as able seamen than there would be any reasonable employment for. Seamen of a foreign ship entering the port of New York, whatever the conditions of the articles they have signed, could desert here without penalty."

"This bill not only legalizes desertion but makes it mandatory for masters of ships to pay seamen one-half their wages when they desert, irrespective of any advances that may have been made to the men or their families before sailing from the foreign port. The enactment of this provision would require the abrogation of many treaties which we have made with foreign governments on this subject."

"The bill specifies the qualification of able seamen to be three years' experience at sea or on the Great Lakes, and it provides for the issue of certificates of qualification by local inspectors on the mere affidavits of the applicants, without requiring any investigation or other proof. A great deal will depend upon the character and affiliation of those appointed as inspectors what value and reliability may attach to such certificates. Deserters and men of almost any class may easily, by these means, obtain certificates as able seamen. There is danger that the certificates may get into the hands of sailors' boarding-house keepers for sale, or even be rented for the temporary purpose of obtaining berths. No proper provision is provided for identification, so that substitution and false impersonation could be rife and unchecked."

"It seems to be clear that the intention of these provisions is to create conditions that will make it possible not only for the seamen's union to raise the wages of both American and foreign seamen but also to put the shipowner at the mercy of his own employees in a trade in which discipline is the first essential for the safety of passengers and the regularity of commerce. In fact, the whole bill puts a premium upon desertion and makes articles of agreement not worth the paper upon which they are written."

"Of course, such an enactment would inevitably advance freight rates to cover the higher costs and risks. Consumers the world over would have to pay the bill. But a still greater danger and more threatening commercial condition are involved. The United States in its export trade, particularly in manufactured products, must compete in many markets of the world with the productions of other countries. Shipping engaged in carrying merchandise from United States ports, to cover the

hazards and expenses implied in this bill, would have to demand higher rates of freight than shipping performing an equal service in carrying the products of other competing countries direct from their ports to the same consuming markets. There would thus be placed a serious menace and handicap upon the entire export commerce of this country."

"Your committee believes that the bill should be amended so as to preserve what is proper for the protection of seamen, whether organized or not, and at the same time protect our commerce from this additional burden and shipping from this assault upon the well-defined principles which experience has proved necessary for the maintenance of safety and law and order on the seas."

"We therefore offer the following resolutions for adoption:  
"Resolved, That the Chamber of Commerce of the State of New York protests against all those provisions in House bill 23673 which would deprive shipowners and shipmasters of adequate power to protect life and property and to navigate the seas without being subject to the perils and losses caused by the domination or desertion of crews and the inability to administer proper discipline; and be it further

"Resolved, That copies of this report and these resolutions be sent to every Member of the Senate in the hope that final action of that body on this important subject may promote the true interests of American shipping and that the respective rights of both capital and labor may be justly and adequately safeguarded."

E. H. OUTERBRIDGE,  
ROBERT A. C. SMITH,  
HERBERT BARBER,  
CHESTER B. LAWRENCE,  
ERNEST C. BLISS,  
CHARLES SCOYSMITH,  
MCDUGALL HAWKES,

Committee on the Harbor and Shipping.

Attest:

SERENO S. PRATT, Secretary.

NEW YORK, February 27, 1913.

Mr. ROOT. Mr. President, I have asked that this report of the committee on shipping of the Chamber of Commerce of New York be read, because it expresses the views of gentlemen of great experience at the chief shipping point in the United States, and of gentlemen who have, as they say in the report, long been greatly concerned for the protection and welfare of the sailor.

Many years ago I was myself engaged as district attorney in New York in the enforcement of the laws which we enacted about 40 years ago to protect sailors, and became somewhat familiar with the development of the practice, the procedure, and the decisions by means of which the shipping commissioner was enabled to mitigate the abuses and indeed the horrors of the sailor's life. I wish to say about this bill, with that background of familiarity with the early enforcement of the statutes of this description and of interest in the subject, that I find it full of most valuable provisions. I think I agree with the Senator from Ohio [Mr. BURTON] that it will be a great step in advance. There are, however, two or three observations regarding the provisions of the bill which I think I ought to make.

In the first place, I find that the substitute reported by the Senate committee obviates some of the objections made by the committee of the chamber of commerce, which has been read.

In the second place, I want to call attention to the fact that the provision relating to the termination of obligations in our treaties for the arrest and imprisonment of deserters, coupled with the repeal of the provision for arrest, really ought to be guarded if we are not to open the door to serious abuses in the way of immigration without the restriction afforded by the supervision and the administration of the immigration laws.

The desertion of seamen has already been the means, in many instances, to a very considerable degree of evading the limitations imposed by our immigration laws; and I regret to see all the treaties and statutes under which we now prevent a stream of immigrants coming in who do not comply with the requirements of our immigration act wiped out, without some substitute. I do not know what is to stand in the way of a general Asiatic immigration on the Pacific coast, unless we create some machinery to take the place of the machinery of the immigration bureau for ordinary immigration.

Of course, if it appears that ships can come across the seas with large crews, who are at liberty to desert and are not subject to any inspection or practical restriction, such as they would be subject to if they came in the steerage of a passenger ship, the news will soon spread in China, and the Senator from California [Mr. WORKS] will find questions asked him as to why he consented to a statute that left his coast without protection from that kind of immigration.

Mr. WORKS. Mr. President—

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

Mr. ROOT. I do.

Mr. WORKS. I do not know why the Senator from New York should single out the Senator from California, in order to influence his vote by what may happen to him if he votes in a certain way upon this bill. I am trying to be informed as to what my duty is, and how I should vote upon this question, and when I have done so, if I ever do, I shall certainly vote my sentiments without respect to any criticism that may come from any source.

Mr. ROOT. The Senator from New York wishes to suggest now to the Senator from California the question that will be asked him hereafter. As I think, it is a question we ought to answer now. Opportunities of this kind create abuses. It may be that there is but little evasion of the laws now, but if we open the door wider, and the news spreads abroad that there is the opportunity to come in, I think we may look for very serious evasion of the immigration laws.

Mr. NELSON. Will the Senator from New York yield to me? The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Minnesota?

Mr. ROOT. Certainly.

Mr. NELSON. The case of the open door to which the Senator from New York refers was covered and fully met by the immigration bill which the President vetoed. Provision was therein made covering the case of deserting sailors. If that bill had become a law, it would have covered exactly what the Senator from New York refers to, and the question of the treaty would not have been involved in it.

Mr. ROOT. If such a provision could be put into this bill, it would meet precisely the observations that I am making.

Mr. BURTON. Mr. President, I want to ask the Senator from New York whether the Chinese-exclusion law would not be sufficient to cover most of this class of immigration so far as the Chinese are concerned? I concede that there is a certain amount of danger so far as the immigration of the nonexcluded class is concerned.

Mr. ROOT. Probably, Mr. President, by way of prohibition, yes; but by way of administration, no. A prohibition is of no use unless you have machinery to make it effective. If you destroy your machinery, your prohibition becomes practically a dead letter.

I am not antagonizing this provision, Mr. President. I do not contend that we should apply a different rule to sailors coming in on foreign ships with regard to the enforcement of their contracts from the rule we apply to our own sailors; and as we have abandoned the remedy that long existed for the enforcement of the contracts of sailors upon American ships, I see no reason why we should maintain it as to sailors on foreign ships.

So, I am not combating this provision; but I think we ought to have it guarded, so that there will be some machinery to prevent it being made an evasion of the immigration laws. As the Senator from Minnesota has suggested that there was a clause in the immigration bill which passed the Senate and House, but which failed to become a law, it might be advisable, it seems to me, to put that provision into this bill.

There is one other suggestion I desire to make, and that is as to the amendment of section 4530 of the Revised Statutes. Section 4530 now provides:

Sec. 4530. Every seaman shall be entitled to receive from the master of the vessel to which he belongs one-third part of the wages which shall be due to him at every port where such vessel shall unlade and deliver her cargo before the voyage is ended, unless the contrary be expressly stipulated in the contract.

It is proposed to amend that so that it will read:

Sec. 4530. Every seaman on a vessel of the United States which, prior to the completion of her voyage, shall enter any port for the purpose of loading or delivering cargo shall, upon demand made subsequent to entering such port, be entitled to receive from the master of the vessel to which he belongs, within 48 hours after demand therefor, one-half part of the wages which he shall have earned at said port—

Thus changing it from a third to a half—

and all stipulations of contract to the contrary shall be null and void.

Thus cutting out the power of the shipowner to make any different contract with the seaman; so that, instead of the shipowner being obliged to pay the seaman one-third of the wages earned up to the port entered in the course of a voyage, unless otherwise provided by the contract of shipment, the law will be that the shipowner must pay one-half of the wages earned up to the time of entering the intermediate port, and any provision of contract to the contrary is declared to be void.

Sir, it seems to me that that would put us in the position, when taken together with this other legislation, of confusing two entirely different theories of legislation. The old theory regarding seamen was that they were to be regarded in some sense as wards of the Government, entitled to protection and deemed to be under special obligations for the conduct of the voyage for which they shipped. We visited heavy penalties upon those dealing with them, and we imposed upon them under penalty of arrest and imprisonment the obligation to perform their part of the contract. We did not treat them as being altogether sui juris; we protected them against unconscionable contracts, and we required them to perform their part of reasonable contracts. We are now departing from that old view, and we are treating the sailor just as any other person making a contract is treated. We are relieving him from the burden of being re-

quired to carry out his contract; of being arrested and taken back to his ship and made to carry it out.

We are treating him just like any independent man in the possession of his senses and of his liberty. That being so, we ought to be consistent and give to the person contracting with him the benefit of the same theory. While we take away from the seaman the pressure of threatened arrest and compulsion to continue his voyage, we ought not at the same time to take away from his employer the right of contract with the seaman, so as to make the ordinary motives that operate upon men in their business transactions induce the sailor to keep his contract.

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

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

Mr. ROOT. Certainly.

Mr. NELSON. What the Senator states is not wholly true, and I say that guardedly.

Mr. ROOT. Yes; the Senator is very mild.

Mr. NELSON. I say it guardedly. Ordinarily, a laboring man has a right to allot his wages in advance. You and I have such a right; we can allot our wages; and so can any laboring man; but in this proposed legislation for the sailors and in the legislation enacted some years ago, in order to eliminate the "crimps," the men who shanghai sailors, we utterly forbade allotments. A sailor now is forbidden to make any allotment except to his wife, his mother, his sister, or his other relatives. Now, we go a step further in this bill. We not only apply it to American ships, as it has been applied heretofore, but we apply it to foreign ships, to the extent that if a foreign ship needs a crew in New York Harbor or in Boston Harbor and that crew is enlisted in this country, then that ship is subject to the same restrictions in reference to allotments as are American ships, because we are unwilling that foreign ships shall have the authority to make use of "crimps" and to shanghai our men on board of foreign vessels.

Mr. ROOT. I agree with the Senator that that ought not to be permitted.

Mr. NELSON. Let me go a step further and point out to the Senator that it often happens that a poor sailor is shipped on a vessel where the mate and the captain are perfect brutes, where the food is poor and the sailors are beaten with belaying pins, and in every other way ill treated, and when the poor devil, if I may use that rather emphatic expression, gets to a foreign port, and, in order to get out of that hell on shipboard, takes his leave, why should he not have that privilege? What can the poor fellow do if he steps ashore in a foreign country and has not a penny in his pocket?

Mr. ROOT. On the other hand, Mr. President, suppose the sailor has not been maltreated, but simply takes it into his head to leave and break his contract? In the case supposed by the Senator from Minnesota the contract has been broken by the master of the ship, and we impose heavy penalties for the conduct which the Senator has described; but suppose, on the other hand, the contract has not been broken by the master; suppose the sailor has been well treated, but simply takes it into his head to break his contract and go off, leaving the ship without the help that is necessary to navigate it to its home port?

Mr. NELSON. The Senator knows that in that case the sailor loses half his pay. That is a stimulus and an inducement for him to remain. A sailor is not going to throw away his right to half of his pay. If he goes on a ship to a foreign port, he is not going to desert his ship and lose half of his pay merely for the fun of the thing. If he deserts at all, it will be because he has been accorded brutal and harsh treatment on board the ship.

Mr. ROOT. It may be because he thinks he can do better for himself than to go on under the contract.

But, Mr. President, I will not take up any more time, because I am advised that the Senator from South Dakota [Mr. CRAWFORD] is to make some remarks, and I do not wish to abbreviate what he has to say.

I do not think, sir, that at the same time when we are reducing the power of the master of the vessel to keep his men to the contract we should take away the right of the employer to make an entire contract with his men and to keep the inducement of that entire contract in order to retain them in the service.

Mr. CRAWFORD. Just upon that point, Mr. President, I wish to say to the Senator from New York [Mr. Root] that the people interested were before the committee and were frequently heard on various phases of the bill, but I do not remember a single objection being raised to that particular provision by those representing our coastwise shipping—



Mr. ROOT. Mr. President, the Senator heard, I presume, the paper which was read at the desk from the Chamber of Commerce of New York.

Mr. CRAWFORD. Except as I heard it from the paper of the New York Chamber of Commerce, which has been read. Gentlemen representing directly the shipping interests appeared before the committee—and we have held hearings almost constantly since last December—and that communication from the Chamber of Commerce of New York is the first I have heard directly of any opposition to that particular phase of the bill.

Mr. WORKS. Mr. President, will the Senator from South Dakota pardon me for just a moment?

Mr. CRAWFORD. Yes.

Mr. WORKS. Mr. President, I had no intention of taking up any time in the discussion of this bill or of taking any part in the debate. I am not sufficiently familiar with the subject matter of the bill to undertake to discuss it upon its merits. I would not say a word now except for what has been said by the Senator from New York [Mr. Root] relating particularly to my own State.

It has been intimated by the Senator from New York that if I should take a certain course with respect to this bill I might be called upon to answer embarrassing questions put to me by the people of California. I have never allowed myself to be intimidated from doing what seemed to me to be my duty by what anybody may say or do in the future, and I hope I will not do so now.

With respect to the coming of Chinese into California—

Mr. CRAWFORD. Mr. President, did I have the floor or not? Time is very important in this discussion, if I am going to discuss the bill at all. I thought I had the floor.

Mr. WORKS. I am only going to say a few words, if the Senator will allow me; and I desire to do so now in this direct connection.

Mr. CRAWFORD. The Senator knows that the time has been divided, and I think the half belonging to the proponents of the bill is practically exhausted now. I do not know whether the Senator is for or against the bill, but if we are to have a further word to say, we have got to have it now or probably not at all.

The PRESIDENT pro tempore. The Senator from South Dakota has the floor.

Mr. WORKS. If the Senator objects to giving me a few moments, I will not proceed further.

Mr. CRAWFORD. I am only stating the situation to the Senator; that is all.

Mr. WORKS. I will say that after I hear the Senator from South Dakota, if he is so anxious to talk about it, I may be convinced to vote his way.

Mr. CRAWFORD. I think the Senator from California misunderstands me. The proponents of the bill and the subcommittee who have had it in charge were allowed one-half of the time. I should like to inquire of the Chair whether that half of the time has been consumed. If it has been, I certainly will yield the floor.

Mr. BURTON. Mr. Chairman, I think in counting the time the remarks of the Senator from New York can hardly be regarded as in favor of the bill. He criticized its provisions. He seems to be an opponent of the bill.

The PRESIDENT pro tempore. The Chair has been given a very difficult task. The time was divided equally between the two sides, and yet there was no means provided whereby the Chair could decide which side a Senator might be on, unless he was pronounced in his views. If the time that the Senator from New York has taken should be not charged to either side, then it would be necessary to make a new calculation. It is difficult for the Chair to do that.

Mr. FLETCHER. Mr. Chairman, I suggest that the time consumed by the Senator from New York might be divided equally, partly for the bill and partly against it.

The PRESIDENT pro tempore. The Chair has thought of that solution, but it has not yet been proposed. Perhaps that would solve the problem.

Mr. FLETCHER. I make that suggestion, then.

Mr. CUMMINS. I desire to make a parliamentary inquiry. I will apply it to my own case, for instance. Generally, I am for the bill. There are parts of it that I think should not prevail. There are certain amendments that will be offered, which I hope will be adopted. When I offer an amendment, which I intend to do, and speak for it, am I to be reckoned for the bill or against it?

The PRESIDENT pro tempore. The Chair is unable to decide that matter with any degree of definiteness at this time. The Chair anticipated the very trouble that has arisen, and at the beginning of the debate was inclined to raise the question,

but was advised not to do it, and the discussion has drifted as it has. If the Chair may take the liberty of suggesting it, the time need not be counted out of either side.

Mr. CUMMINS. It is bound to be counted on one side or the other, because we must vote at 8 o'clock.

The PRESIDENT pro tempore. It can be divided.

Mr. CRAWFORD. We are obliged to vote at 8.

The PRESIDENT pro tempore. Yes. The Chair had in mind to propound this inquiry to the Senate:

The closing words of the agreement are:

The time for debate to be divided equally between the proponents and the opponents of the bill.

The Chair does not recall any former instance when a provision of that kind was inserted in a unanimous-consent agreement in the Senate. In the other House it is a common practice to agree to an equal division of time, and those who are to control the time are named. No such provision is inserted in the present agreement. The Chair thinks it desirable that that should be done before the debate proceeds.

Can the Senator from Ohio inform the Chair on the point raised? It will be seen that it is an extremely difficult matter for the Chair to determine whether a Senator is on one side or the other, when perhaps he is in favor of some provisions of the House bill and is opposed to other provisions of it.

Mr. WORKS. Mr. President, I was not present when the unanimous-consent agreement was entered into. I should like to inquire whether it included the agreement that certain individual Senators were to consume the time?

The PRESIDENT pro tempore. It did not.

Mr. CRAWFORD. Mr. President, with reference to the Senator from California, I would not under any circumstances knowingly be guilty of a discourtesy to him. I thought I had the floor in my own right, and that the time was limited. I think the Senator feels as though it was hardly fair to him; and rather than have my good friend feel that way, I will certainly yield the floor.

Mr. WORKS. Oh, no; I do not feel for a moment that the Senator from South Dakota intended to be discourteous to me, and I shall not take up any of his time under the circumstances.

Mr. CRAWFORD. Just for a moment, Mr. President, I should like to give a little statement of what has been done in an attempt to shape up the claims for legislation that were presented to the Subcommittee of the Committee on Commerce.

This matter, it is true, as was said here last evening, came up on the arrival of the bill from the House at the last session. In December the subcommittee began giving hearings upon the bill, and continued almost daily during the entire session up to the time it was reported the other day.

As is generally the case with legislation of this kind, here were the two opposing interests, the representatives of the seamen on the one side and the owners of the great shipping interests on the other. It is practically impossible for men who want to act as legislators to give, in all cases, to each of the parties whose interests conflict somewhat, all they ask and everything they think they ought to have.

I knew very little, I admit, about this subject, and I do not claim to know very much about it yet. But after all of the hearings, the testimony, and the claims I am bound to say that I think in the main this bill as it is before the Senate to-day expresses fairly and justly the general attitude which I think the Congress of the United States, upon deliberation and with full information, would naturally take upon a question of this kind.

For instance, the first claim that was made was with reference to imprisonment and flogging and unjust treatment of sailors at sea. We have gone so far as practically to remove every complaint that can be made upon that score, except in this one single instance: The provision for the payment of the half wage due in the American port is not extended to the sailor and his contract where the vessel is a foreign vessel and the sailor is a foreign sailor and the owner is a foreign owner.

The half wage that the American sailor might get in such a case is not allowed to the foreign sailor. It seems to me that for us to undertake to go aboard a foreign ship and interfere with the contracts between the foreign shipowner and the foreign sailor is not only to violate treaties, but it is to go into a domain which we may have the power to invade, but which, as a matter of wisdom in our relations with foreign nations, we ought not to invade.

With reference to the treatment of these sailors in their sanitary surroundings aboard ship we not only have given them all they asked and all that was given them in the House bill, but we have given them still more. For instance, in the number of cubic feet of air space about their sleeping compartments, in all those provisions that will make life more inviting and more comfortable aboard ships in the way of sanitary sur-

roundings, this bill gives them all and even more than they contended for.

With reference to the hours of labor—and that was one of the serious complaints made by the seamen, and one of the points bitterly contested by the shipowners—the firemen in the engine rooms, not only on the Lakes but in these vessels everywhere, are given the three-watch system—that is, it is provided that they shall have three successive watches, and that their time shall be divided so that they shall get a proper amount of rest. They were here from the coast, they were here from the Lakes, and their demands in that respect have gone into this bill.

With reference to the lifeboat drill—and that is a subject of discussion here—I want simply to leave this thought with the Senate:

When you are treating of a question like efficiency in lifeboat drill, it is not what the sailors may desire in regard to it that should govern; it is not what the shipowners may desire in regard to it that should govern. The principal purpose of this provision is to protect the men whose lives are intrusted to these sailors and to these shipowners. The motive power of this provision for the boat drill, and for the class of men who must be employed to have charge of the boat drill, is the conservation of the lives of the men and the women and the children who go aboard these ships.

If our friends, the sailors, had their way, they would simply put in the provision that was in the House—that there should be two able-bodied seamen, as they call them, for each of these lifeboats. Would that add to the protection of human life? What is the able-bodied seaman under this definition? The man who has been three years on the decks at sea and who has gotten a certificate from some authority that he has put in so much time. That time might have been put in on a sailing craft. He might be an able-bodied seaman within every element of the definition required there; he might be able to handle sails; he might be able to splice ropes; he might be able to manage a sailing vessel and come within that definition, and yet he might know practically nothing about handling a lifeboat on a great modern steamship like the *Titanic*, so different from a sailing ship. His rating as an able seaman there might not give him the qualifications necessary for handling a lifeboat, for the protection of the lives of the men and women and children aboard these great modern steamers.

So we created the position of lifeboat man in this act, and provided what he should be, and what the test of his efficiency should be, and required that at least two such lifeboat men should be assigned to every boat on every one of these vessels. We provided that he should be an able-bodied seaman, but we provided that he should be more than that. He is required to be a man who, by practical test, has shown that he knows how to hoist and put out and lower the lifeboats on these great vessels. Then we have this provision in here requiring these men to obey the orders requiring lifeboat drills, so that they may not only be efficient and skillful, but they may have the matter in hand all the time.

Mr. President, these boats are in port sometimes for a considerable period. Because we believe we ought to do it in the interest of the men and women and children whose lives are intrusted to their care, we say they shall have these lifeboat drills while the ship is in port as well as while she is at sea. If they are to have these lifeboat drills in port, there must be some provision that some one shall require them to have these drills, and there must be some penalty prescribed if they refuse to take part in them.

Whether we have made the penalty too severe or not is a matter for the Senate to determine. I am sure no member of the committee is opinionated upon that matter. No member of the committee feels that he has spoken the last word as to whether the offense should be mutiny, misdemeanor, or whether there should be a milder punishment than the one that is defined there. But we do submit to the Senate that there should be some provision of that character which would make it the duty of these lifeboat men when in port to take part in these lifeboat drills, and impose some penalty upon them if they refuse to do it. How much of a penalty it should be, let the Senate decide.

With reference to the language test, as the bill came over here from the House it provided that 75 per cent of the crew on these ships shall understand the language of the officers; that is, when the officer gives his order 75 per cent of these sailors must understand the order in the language of the officer giving it. But the testimony was overwhelming, and certainly can not be contested, that if we should undertake to enforce that provision we would not have an American flag on a single vessel on the sea.

What is that provision put there for? If it has a right to be in there, it rests upon the fact that it is necessary to have some

provision of that kind in order to protect the lives of passengers on board these vessels in case of accident, because the men in the crews do not understand the orders.

What have we provided? We have provided that on these vessels, in case the sailors do not speak the same language as the officers, there shall be at least one man for every lifeboat who can understand the language of the officers giving the orders, and who can transmit them to the crew.

If the purpose of the provision is to have the crew understand the orders, there is a provision that amply and completely does it, and yet does not drive the American flag off the ocean and make it impossible to secure crews that can be employed under the American flag. If the purpose is not simply to conserve human life, but to undertake by law to put the American aboard ship, that is a different thing. But, Mr. President, when we come to hear all this testimony, we find that there are a good many difficulties in the way of putting the American laboring man on board one of these ships. If good surroundings, good sanitary conditions, a healthful place to sleep, and the three-watch system will do it, I hope they may go there. But, sir, the American plowboy does not go to sea. The ambitious American boy, with these great hives of industry around him, with opportunities to get positions and climb to a higher estate in his own country, does not go to sea, and you can not put him aboard these ships by passing a law.

Mr. SMITH of Michigan. Mr. President—

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Michigan?

Mr. CRAWFORD. Yes; but I have talked longer now than I intended to.

Mr. SMITH of Michigan. I shall not detain the Senator except to make one observation.

Unless the calling of the sailor can be dignified and put upon a basis which will encourage efficiency and devotion to that calling, we shall not have American sailors.

Much that has been done in this bill is calculated to make life on shipboard much more attractive than it ever has been before. But so long as we permit the recruiting of men to man these great vessels from among the unskilled and the unemployed of the great cities, we menace the calling of the sailor, and in that respect he will be discouraged, and other employments will appeal to him much more strongly than the calling which he would naturally follow.

I want to see this bill so framed, if it is possible to do it, that the personnel of the vessels of the ocean and of the Lakes may rise to that standard of efficiency which will guarantee to those who travel upon the sea, and to those who work in that calling, the greatest safety from the ordinary perils of the sea that it is possible for us to attain.

Mr. CRAWFORD. Mr. President, I am not at war with a single utterance of the Senator. I say that in this bill, where they have had no watch system, or the two-watch system, we have given them the three-watch system. In this bill, instead of their being entirely unregulated and running wild with reference to sanitary surroundings, we have given them the most complete specifications of what shall be required to make life comfortable aboard these vessels that have ever been put into any statute anywhere.

Mr. SMITH of Michigan. I agree entirely with the statement of the Senator from South Dakota. I think you have put into this bill principles that do you great credit and that ought to be enacted into law.

Mr. CRAWFORD. Mr. President, they told us stories about men being brought up out of the hot engine room when the decks were covered with ice, when death was almost sure to follow the exposure there. I hope this legislation will be enacted. If it is, nothing of that kind can ever occur again, because we will have the three-watch system for the firemen, and we will have that system for the men who are performing the duties of the lookout and the quartermaster and the wheelsman.

Mr. SMITH of Michigan. Mr. President, if I may be permitted to again interrupt the Senator—

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Michigan?

Mr. CRAWFORD. I do; but I want to close in a few moments.

Mr. SMITH of Michigan. Because of my physical condition, which for several days has not been what I had hoped it would be, I shall not be able to take part to any extent in the discussion. Indeed, I somewhat doubt the wisdom of my presence in the Chamber. But the importance of the subject is so great, and the care and attention of the subcommittee has been so constant, that I should be very reluctant to criticize a single feature of the proposed substitute.

I think we should have more skilled men on these vessels than the substitute provides for. I think we should make it im-

possible, in case of an accident or catastrophe, to have lifeboats manned by men so unskilled that they would admit to those whom they were attempting to save that they had never handled an oar and did not even know what the oarlock was for. I should like to see a standard of skill prescribed by this law, and then I would oblige the shipowner to put on his vessel a sufficient complement of that class of skilled seamen to fully protect the vessel, the crew, and the passengers. To that end I hope this discussion as it runs along, and the amendments as they are considered, may have in view increasing the recognized skill which comes from experience and training and determination to guarantee that standard of efficiency which both the Senator from South Dakota and myself sincerely desire.

Mr. CRAWFORD. Mr. President, again I agree with the Senator from Michigan; and I call attention to the fact that under the law as it exists now there is no provision for the lifeboat drill and the number of men who shall be assigned to each lifeboat such as this bill provides. Here we say:

No vessel carrying passengers, except those navigating rivers and harbors exclusively, shall depart from any port of the United States unless she shall have a sufficient number of efficient lifeboat hands, which in no case shall be less than two for each lifeboat that such ship is required to carry, to launch and handle the prescribed lifeboats and life rafts.

A seaman shall be entitled to the rating of efficient lifeboat hand who has shown by practical tests to the satisfaction of the master that he is qualified to perform any duty required in the launching and handling of lifeboats and life rafts and their equipment, including the stowing of passengers, swinging out, lowering, detaching and hoisting, and use of oars. Such tests shall be subject to regulations to be prescribed by the Secretary of Commerce and Labor, who shall, through collectors of customs, local inspectors, and other officers of the Government enforce the laws and regulations for the handling of lifeboats and life rafts and the efficiency of lifeboat hands.

As this bill came from the House it had no such provision as that. As it came from the House it defined an able seaman, and it provided that each lifeboat must have an able seaman. But, Mr. President, a man could qualify as an able seaman who perhaps had never handled a lifeboat in his life. At any rate, if he had served on a sailing vessel and could splice ropes and tie sailors' knots and handle a sail, although that occupation is now practically obsolete, he could get a place on one of the modern steamers, where thousands of human lives would be intrusted to his hands, and not be able to comply with the provisions of this law with reference to the handling of lifeboats. Yet we are criticized, and we are accused of having done something wrong, because we require especial training and especial fitness for the handling of lifeboats and require two such men for every lifeboat on board the vessel.

Mr. President, we go further than requiring two of these lifeboat men for every lifeboat; we define the able seamen practically as they were defined in the House bill, or, at least, as the seamen themselves ask that they be defined. Then we provide that there must be employed as lookouts, as quartermasters, and as wheelmen on every one of these ships men who can qualify thus as able seamen. Then we go further than the House, and for every one of these able seamen put in these positions we give them the three-watch system.

I think this bill is not perfect, but I think it was the honest result of an honest attempt to be legislators and not partisans. It would not be fair to the people of the United States simply to crystallize the wish of one class of men into a statute without putting that wish in right relation to the responsibility and duty we owe to the people whose lives are intrusted to these vessels and to the continuance of commerce itself. We have got to consider those elements as well as the interests of a particular class.

I wish to say, Mr. President, that I never knew in my life a more interesting man than the representative of the seamen, who has worked with singleness of purpose and in a self-sacrificing spirit for what he thinks ought to be in this law. Yet I can not agree with him in all things. I think in some respects he wants more than we ought to put into the statute when we are weighing its relation to the people of the United States and the continuance of a great commercial policy in this country.

The PRESIDENT pro tempore. The time of the friends of the bill is exhausted.

Mr. LODGE. Mr. President, I favor the bill, but I do not propose to discuss it. I merely wish to explain an amendment which I will offer at the proper time.

From the passage of the act of December 21, 1898, down to 1908 I understand the transportation of sick seamen was defrayed from the fund for the maintenance and the transportation of destitute seamen. By a decision in the Treasury Department it has been held that unless the captain appears personally the consul is not authorized to expend money from that fund for the care of a seaman in a hospital or for his transportation

to his home. It is impossible in many cases for the captain to make that personal appearance. A vessel is on the coast of Labrador fishing. It sends a sick seaman by a returning vessel to St. Johns or to North Sidney. He can not be taken in charge under this decision of the department.

I have an amendment which will cure that evil and enable the captain by letter or by telegraph or telephone to inform the consul that the seaman is discharged on account of illness, and secure for him the benefit of the fund, as was intended by the act of 1898.

Mr. FLETCHER. Mr. President, I should like to have the attention of the Chair. Did I understand the Chair to state that those who are in favor of the bill as reported to the Senate have no further time? I wanted to submit a very few remarks on the subject.

The PRESIDENT pro tempore. The time has been fully exhausted.

Mr. BURTON. I recognize the great difficulty in making such a computation. I should like to ask how the time of the Senator from New York [Mr. Roor] was computed.

The PRESIDENT pro tempore. The time occupied by the Senator from New York was divided.

Mr. BURTON. I regret that members of the committee are not able to address the Senate upon the question now before us. The Presiding Officer rules that the time of those advocating the bill has been exhausted?

The PRESIDENT pro tempore. By dividing the time of the Senator from New York equally between the two sides the time has been exhausted.

Mr. CUMMINS. Mr. President, my attitude toward this bill is one of general concurrence coupled with a very great desire that it shall be amended in some respects before it is passed. At the proper time I intend to offer an amendment to strike out subdivision 9, of section 8, and in order that Senators who are here may understand the scope and purpose of the amendment and what it will accomplish, I will read that part of the amendment of the committee which I think should be stricken out:

Ninth. For each refusal or willful neglect to engage in boat or fire practice or drill, and for each refusal when engaged in boat drill, and so directed by the master, to efficiently assist in launching the ship's lifeboats the seaman shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not more than one year and by forfeiture of all wages earned: *Provided*, That no boat or fire drill shall be called for the purpose of preventing the men from quitting the service. The provisions of this section shall apply to all merchant vessels of the United States.

I want to impress upon Senators present two or three preliminary observations. First, this section and the provisions that I have just read apply to all merchant vessels of the United States, large or small, passenger boats or freight boats. These provisions apply to all those vessels, whether they are at sea or in port. No matter how long they may be in port, nevertheless these provisions apply.

My criticism of this part of the bill is that it is a practical return to the involuntary servitude which has been so frequently mentioned here, and never mentioned without reprobation. I can not understand just why the committee thought it necessary to go to the extreme length that is embraced in this part of the bill. Remember again that it applies to every boat, great or small, and no matter in what service that boat may be engaged.

In my opinion it will be found to be the ready instrumentality for the coercion of every seaman by criminal penalties in every port of the United States as well as every port of the world in which a merchant vessel of the United States may find itself. I desire to analyze it for a moment:

For each refusal or willful neglect to engage in boat or fire practice or drill.

But before I comment upon just what those words mean, allow me to say that every man must sympathize with every reasonable effort to increase the safety of vessels at sea, to secure the safety of men, women, and children, as the Senator from South Dakota said, who travel upon those boats. But this provision will not accomplish the purpose. In my judgment this provision will defeat itself, first, in rendering the occupation so unattractive and so forbidding and so revolting, if I may use that word, that instead of lifting up the standard of seamanship in this country it will have the distinct tendency to degrade and to lower it. What self-respecting man would be willing to enter into employment of this character under the penalties of this bill?

If it simply provided that at a given time, with a boat crew in the presence of a master, a drill should be ordered, and if a seaman refused to obey the order he might be punished as a criminal, I would make no great objection to it. That, how-

ever, is not its meaning. That will not be the scope of its operation.

Mr. BURTON. That is exactly the meaning. It is not supposed that drills would be indulged in that were superfluous. Indeed, the whole subject is under the supervision of the inspectors. I do not know how frequently these drills are held. There is a certain amount of practice, however, that can be obtained in port much more readily than outside. I am really at a loss to understand how the Senator from Iowa places upon it the interpretation which he gives to it.

Mr. CUMMINS. There is no other interpretation to be placed upon it.

Mr. BURTON. Does the Senator from Iowa think that boat drills would be ordered by the officers just as a mere means of keeping the men busy, or something of that kind, and not for the sake of giving them the requisite skill?

Mr. CUMMINS. Oh, no; the Senator from Ohio utterly misunderstands me. We will assume that a boat is in port. I care not how severe the regulations are made for a boat at sea, for there the rules are, and ought to be, very different from the rules which should govern the crew when the boat is in harbor. But suppose a boat is in port and the master calls out the men for practice; if any man there subject to his order declines to obey the order, I would have no objection to his punishment. But suppose that before the boat reaches port the master publishes an order that every day at 12 o'clock there shall be a boat drill or a fire drill, and that then some of the seamen having shore leave do not return to engage in the boat drill, or suppose some one of the seamen prefers to leave the service at that time or that place, this punishment would be inflicted upon him nevertheless, because it would be on his part a refusal to engage in that drill. It would be on his part a willful neglect to return to the boat for the purpose of complying with the regulations that might be prescribed in advance.

In that way you have in this bill made criminal a less offense than the offense of desertion. The civilization of the time, the common voice of humanity required the United States to take away the criminal punishment from desertion so far as our own coastwise trade is concerned. Yet for the failure to appear at the proper moment, in order to engage in a prearranged or pre-ordered drill, you impose a criminal punishment upon the man. In my opinion, to attempt to enlist men and hold them under those circumstances and visit a penalty is simply to perpetuate the servitude that you are attempting to remove.

Mr. BURTON. If the Senator will allow me—

Mr. POINDEXTER. Mr. President, I make the point of no quorum.

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

The PRESIDING OFFICER (Mr. JONES in the chair). The Senator from Washington makes the point that no quorum is present.

Mr. BURTON. Will the Senator from Washington withhold that for a minute?

Mr. POINDEXTER. For a moment.

Mr. BURTON. The Senator from Iowa is supposing an instance that never occurred in the history of shipping and that could not occur. That would cause the inspectors to call the master down immediately and possibly revoke his license.

Mr. POINDEXTER. There is very little use, so far as the discussion of this question is concerned, to discuss it unless there are Senators present to hear the discussion. I make the point that there is no quorum present.

The PRESIDING OFFICER. The Secretary will call the roll.

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

|             |              |                |              |
|-------------|--------------|----------------|--------------|
| Ashurst     | Clark, Wyo.  | La Follette    | Sheppard     |
| Bankhead    | Clarke, Ark. | Martine, N. J. | Simmons      |
| Bourne      | Crane        | Myers          | Smith, Ga.   |
| Brady       | Crawford     | Nelson         | Smith, Md.   |
| Brandege    | Cummins      | O'Gorman       | Smith, Mich. |
| Bristow     | Dixon        | Oliver         | Stone        |
| Bryan       | Fletcher     | Page           | Swanson      |
| Burnham     | Foster       | Percy          | Thomas       |
| Burton      | Gallinger    | Perkins        | Tillman      |
| Catron      | Gronna       | Pittman        | Watson       |
| Chamberlain | Johnson, Me. | Poindexter     | Webb         |
| Clapp       | Jones        | Pomerene       | Wetmore.     |

The PRESIDING OFFICER. Forty-eight Senators having answered to their names, a quorum is present. The Senator from Iowa will proceed.

Mr. CUMMINS. The penalty that I have just mentioned as following the refusal or neglect of a seaman to engage in a boat or fire drill would be severe enough, indeed too severe, if this part of the section were applicable only to passenger boats of large capacity; but it is applicable to all boats, and to me the breadth of its application in that respect is very significant.

I do not see why seamen when they are in port should not be treated as ordinary human beings. Who would think of imposing a penalty of this sort upon any other kind of employees engaged in any other business whatsoever? We all understand that there must be a distinction when the vessel is at sea, for there are reasons which arise for increased severity under those circumstances; but to say that a seaman in port, under the construction that I have given to this paragraph, must be present at a drill or suffer one year's punishment in jail and forfeit all his wages, impresses me as a violation of the Constitution of the United States. I think it is a cruel and inhuman punishment for that offense. The history of mankind shows that you can not increase the efficiency of law by attaching penalties for violations disproportionate to the offense for which the punishment is inflicted. It is just so here; you could not successfully imprison men a year and forfeit all their wages because while in port they did not attend every fire drill or boat drill that may have been ordered by the master.

In my opinion it would be vastly better if the rule with regard to fire drills and boat drills were imposed upon the ship, leaving the master of the ship to secure obedience to it and compliance with it in the way in which men ordinarily secure compliance with such regulations.

I would as soon think of saying that a brakeman who did not respond in the morning when called to take his train should be sent to the penitentiary for a year and forfeit all his wages as to say that a seaman who might not, for one reason or another, respond to an order of this kind should suffer such a punishment.

But that is not all. The next provision says:

And for each refusal when engaged in boat drill, and so directed by the master, to efficiently assist in launching the ship's lifeboats.

If my distinguished friends from Massachusetts and New York were here they would be horrified to observe that the committee has employed the split infinitive. To them that is a greater offense, I am sure, than the desertion of a boat drill or a fire drill. It, however, does not concern me. I do not care just where the word "efficiently" is placed, but I should like to know of the Senator from Ohio who is to determine whether the assistance given is efficient or not? Is a man to go to the penitentiary because some court holds that he has not efficiently assisted in launching a lifeboat?

Mr. BURTON. Of course, Mr. President, the Senator from Iowa absolutely misapprehends the general purport of this provision. If I thought or the committee thought for a minute that it was going to impose any hardship on the seamen, that it was going to be used as an instrument of oppression, I would not be for it for a minute. But in order to secure efficiency in the handling of lifeboats there must be certain drills in the harbor. I take it that if a sailor at sea refused to take part in a boat drill it would be considered mutiny.

Mr. CUMMINS. Certainly.

Mr. BURTON. As a part of his education and for the handling of lifeboats he should have practice in the harbor as well as at sea.

Now, as regards efficiently assisting, the meaning of that is that he shall give earnest and efficient efforts in his assistance. No court would find him guilty unless it was shown that he was intentionally inattentive—that is, if the seaman acts as if he were making a lark or a mockery of the service, that is not efficient assistance. It is expected that he will go at this seriously, with a view of making himself proficient.

The Senator from Iowa will recognize that certainly since the *Titanic* disaster there is no one subject concerning safety at sea that has awakened more attention than the necessity for skill in the handling of lifeboats; and the committee, without imposing any hardship on the seaman of punishment—much less than would be the case if he refused any practice at sea—thought this provision should be made. He would be punished much more severely than this at sea. We recognized the necessity for practice in the harbor. We did not feel that we were doing our duty unless we did this. I certainly would not want it to go in if it is going to impose any hardship on seamen or make it possible for a master to use it as an instrument of oppression.

Mr. CUMMINS. I want the Senator from Ohio to know that I am not accusing him of any hardness of heart toward the seaman, but I think if he is responsible for this paragraph he has fallen into an unfortunate error.

There are many things here that do alleviate the condition of the seaman, that are intended for his benefit, and that will result in his benefit; and therefore I was the more surprised to find this provision which seemed to me so cruel and so unnecessary.

The Senator from Ohio will know, I hope—I am sure other Senators will know—that I am not arguing against boat drills in harbor or fire drills in harbor. I think both are necessary and both ought to be required. But I am insisting that it is unnecessary and inhuman to punish a man by imprisonment in the penitentiary a year because he refused or failed to answer to a fire drill or a boat drill. The service there is of no greater importance than the service of a thousand other industries in which we depend upon the honor of mankind, the honor of employees, the standard of character of the employees for the fulfillment of the duties of the master to the public. We are intending here, if possible, to raise the standard of seamen, to invite men of better capacity and of a higher sense of responsibility into the service. The way to get them into the service is not to degrade them before they enter the service by subjecting them to a punishment of this sort for offenses which are common enough in this world of ours.

Mr. BURTON. I did not wish to take quite so much of the time of the Senator from Iowa, but I should like to ask one further question. The Senator from Iowa concedes that boat drills in the harbor are not only desirable, but necessary. They are just as necessary, I take it he will concede more necessary, than boat drills at sea.

Mr. CUMMINS. No; I do not concede that; but I concede that they are necessary.

Mr. BURTON. Are you going to leave the refusal to take part in a boat drill absolutely without any punishment or penalty? Other acts that would be far less serious in the way of insubordination receive punishment.

Mr. CUMMINS. We have a fire department in Washington, which is just as necessary to the safety of Washington as are fire appliances necessary to the safety of boats. Suppose that you should pass a law for the District of Columbia that if any fireman refused to appear or failed to appear at a fire drill, he should be put in the penitentiary for a year, how do you think it would strike the civilized sense of mankind?

Mr. BURTON. That is altogether a different case. In the first place, you have the right to discipline the fireman; he holds a permanent position, and you can discharge him.

Mr. CUMMINS. So you can here.

Mr. BURTON. But if the fire department of Washington could not be made efficient in any other way except by imposing a penalty, the people of Washington would demand, in order to protect themselves from fire, that such refusal to drill should be severely punished.

Mr. CUMMINS. The Senator from Ohio begs the whole question. He says if it could not be made efficient in any other way. I say it can be made efficient in another way. We have never tried anything of the sort; it is new and it is unknown to the law of this or any other country, I fancy, although I do not speak advisedly about other countries.

Mr. LA FOLLETTE. May I suggest to the Senator from Ohio that if the firemen in the service of the city of Washington were required to undergo an examination that should be a test of their efficiency before they were admitted to the service they might not be required to take this drill which is suggested by the illustration offered by the Senator from Ohio.

Mr. CUMMINS. Precisely. I was attempting a few moments ago—

Mr. LA FOLLETTE. Just a word further. The standard of efficiency provided by the House bill has been eliminated from the Senate bill, and instead they are clothing the masters and the owners of vessels with power to continue in involuntary servitude the seaman.

Mr. CUMMINS. As I was suggesting to the Senator from Ohio a little while ago, the whole purpose of this bill originally was to induce better men, more competent and more efficient men, to enter the service, in the hope, in the confident belief that they would be moved by those sentiments which require men to be true and faithful to their duty and to be constant to their obligations; and, as the Senator from Wisconsin has stated, instead of prescribing standards of entrance, so that none but men of character and conscience could enter the service, all men are invited, apparently, into the service. Then they are sought to be rendered obedient by prescribing such punishment as has never yet been imposed for such an offense, so far as I know.

I am sure that the humane instincts of the Senator from Ohio will lead him to insist upon either the elimination of this provision from the bill or its reformation in such a way as that the consequences I have pointed out may not ensue. In my opinion, all the good that is sought to be attained by this bill would be neutralized and overcome if this blot upon the legislation of a free country should be permitted to remain upon the measure.

The punishment here does not fit the offense; and, if we pass this bill, it seems to me that we indicate not a progress toward higher and better things, not a progress toward the humanities, but rather a retrocession into the gloom of barbarism.

I do not intend, Mr. President, to ask a vote upon the amendment at this time. I think it ought to be fully debated, but I shall offer the amendment when the moment comes at which amendments become appropriate.

I will say, further, that if the Senate should conclude not to adopt the amendment, should conclude to leave this extraordinary provision in the bill, then I shall ask, at least, that its application be limited to boats at sea.

Mr. LA FOLLETTE. Mr. President I do not know that I care to address any criticisms that I may have to make of the bill reported by the Senate committee merely to the CONGRESSIONAL RECORD. There appear to be at this present moment, with myself and the Presiding Officer, 13 Members of the Senate present.

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

Mr. LA FOLLETTE. We are discussing, Mr. President, a very important piece of legislation that will be tested by many roll calls, and those roll calls will be presented in many States.

The PRESIDING OFFICER. The Senator from Montana [Mr. DIXON] suggests the absence of a quorum. The Secretary will call the roll.

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

|             |                |                |            |
|-------------|----------------|----------------|------------|
| Ashurst     | Crawford       | Kern           | Sheppard   |
| Brady       | Cummins        | La Follette    | Simmons    |
| Bryan       | Dixon          | Martine, N. J. | Smith, Ga. |
| Burnham     | Fletcher       | Myers          | Smith, Md. |
| Burton      | Gronna         | Newlands       | Swanson    |
| Catron      | Hitchcock      | O'Gorman       | Thomas     |
| Chamberlain | Johnson, Me.   | Page           | Watson     |
| Chilton     | Johnston, Ala. | Perkins        | Wetmore    |
| Clark, Wyo. | Jones          | Pittman        | Williams   |
| Crane       | Kenyon         | Pomerene       |            |

The PRESIDING OFFICER. Thirty-nine Senators have answered to their names—not a quorum. The Secretary will call the names of absent Senators.

The Secretary called the roll of absent Senators, and Mr. STONE, Mr. WORKS, Mr. BRISTOW, Mr. CLAPP, Mr. BOURNE, Mr. FOSTER, Mr. BANKHEAD, Mr. PENROSE, and Mr. CURTIS entered the Chamber and answered to their names.

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

Mr. LA FOLLETTE. Mr. President, 48 Senators have answered to their names, but a quorum is not present. I invite the attention of visitors in the galleries from nearly every State in the Union to the fact that important subjects are under discussion in the United States Senate and that Senators enter this body and answer to the roll call and depart from the Senate Chamber immediately thereafter; so that if one is to argue out any of the propositions that are presented on proposed legislation, he must from time to time discuss them with barely a handful of Senators present. I do not propose on this important legislation, on which is dependent the emancipation of the last vestige of slavery on American soil, to discuss it for one moment in the presence of a handful of Senators. Senators can either return to the Senate Chamber, answer to their names, and remain here while these important propositions are being discussed, or they can come in and vote on them without discussion, so far as I am concerned.

Mr. CHILTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from West Virginia?

Mr. LA FOLLETTE. I do.

Mr. CHILTON. The suggestion of the Senator from Wisconsin certainly leaves the road open to make some discrimination. There are some of us who stay here all the time. Having invited the attention of the country to the fact that many are not here, there ought to be some way by which those of us who are here can be protected with our constituencies.

Mr. LA FOLLETTE. It is open to the Senator from West Virginia to state the fact that Senators from various States are present at this time.

Mr. CHILTON. Having answered for myself, I will not undertake to do more.

Mr. LA FOLLETTE. I do not propose to go on with the debate at this time. The vote can come at once, and without debate, upon this bill and the amendments which I shall offer, unless Senators return to the Chamber and remain here while those amendments and the bill in its entirety are discussed.

The PRESIDING OFFICER. The bill is in the Senate as in Committee of the Whole. The question is on agreeing to the amendment proposed by the committee.

Mr. CUMMINS. Mr. President, I offer an amendment to the amendment of the committee, which I send to the desk.

The PRESIDING OFFICER. The Senator from Iowa offers an amendment to the amendment, which will be stated.

Mr. ASHURST. Mr. President, if it is in order, I desire to say that my distinguished colleague [Mr. SMITH of Arizona] is very assiduous in his attendance upon the sessions of the Senate. As Senators will remember, he attended the session to a late hour this morning, and is unavoidably absent this evening. He has a slight indisposition, but he is nevertheless in attendance upon public business. I wish the RECORD to show that fact.

Mr. CUMMINS. Mr. President, a parliamentary inquiry. Are the proceedings from now until the disposition of the bill to be concluded without debate?

The PRESIDING OFFICER. The Chair understands the unanimous-consent agreement to provide that when the voting begins it shall proceed without debate.

Mr. CUMMINS. I call for the yeas and nays upon my amendment.

Mr. POMERENE. I suggest that the unanimous-consent agreement be read to the Senate.

The PRESIDING OFFICER. The Secretary will read the unanimous-consent agreement to the Senate.

The Secretary read as follows:

It is agreed by unanimous consent that at not later than 2.30 a. m., March 2, 1913, the Senate will vote, without further debate, upon the motion to agree to the conference report upon H. R. 28180—the rivers and harbors bill—and, further, that at not later than 8 o'clock p. m., on said day, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, and amendments that may be offered, and upon the bill H. R. 23673—the seamen's bill, so called—through the regular parliamentary stages to its final disposition, the time for debate to be divided equally between the proponents and opponents of the bill.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the Senator from Iowa.

Mr. BURTON. Mr. President, there is a very light attendance here, and I again suggest the absence of a quorum.

Mr. LA FOLLETTE. May I suggest—

The PRESIDING OFFICER. The Senator from Ohio suggests the absence of a quorum. The Secretary will call the roll.

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

|             |               |                |            |
|-------------|---------------|----------------|------------|
| Ashurst     | Clarke, Ark.  | Kenyon         | Simmons    |
| Bankhead    | Cummins       | La Follette    | Smith, Ga. |
| Borah       | Curtis        | Martine, N. J. | Smith, Md. |
| Brady       | Dixon         | Myers          | Stone      |
| Bryan       | Fall          | O'Gorman       | Thomas     |
| Burnham     | Fletcher      | Oliver         | Warren     |
| Burton      | Gallinger     | Page           | Watson     |
| Catron      | Hitchcock     | Perkins        | Wetmore    |
| Chamberlain | Johnson, Me.  | Pittman        | Williams   |
| Chilton     | Johnson, Ala. | Pomerene       | Works      |
| Clapp       | Jones         | Sheppard       |            |

The PRESIDENT pro tempore. On the call of the roll 43 Senators have answered to their names—not a quorum. The names of the absentees will be called.

The Secretary called the names of the absentees, and Mr. NELSON, Mr. CRAWFORD, Mr. DILLINGHAM, Mr. GRONNA, Mr. KERN, and Mr. GARDNER entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum of the Senate is present. The Senator from Iowa offers an amendment which will be stated.

Mr. CUMMINS. Inasmuch as the Senator from Wisconsin [Mr. LA FOLLETTE] has certain amendments that apply to earlier parts of the bill, I desire to withhold the amendment I have just offered until that part of the bill is reached in regular order.

Mr. BURTON. Mr. President, do I understand that amendments are now in order?

The PRESIDENT pro tempore. The bill is in Committee of the Whole, and the question is upon the amendment reported by the committee.

Mr. BURTON. I offer an amendment, to add at the end of page 31 the words "owner of." There is an error in the print at that point which should be corrected.

Mr. LA FOLLETTE. Mr. President, I believe that under the insistent objections of the Senator from Ohio [Mr. BURTON] the time was so divided that those who were in favor of the bill as reported from the committee had control of one half of the time and those who were opposed to it had control of the remainder of the time, from 2.30 o'clock p. m. until 8 o'clock. I believe those who are in favor of the bill as reported from the committee have exhausted their time. Am I right about that?

The PRESIDENT pro tempore. The time was divided so far as debate was concerned. The Chair can hardly hold that when debate has terminated either side has preference as to the offering of amendments.

Mr. LA FOLLETTE. Mr. President, it may be that a debate would occur upon an amendment offered—

The PRESIDENT pro tempore. That is true.

Mr. LA FOLLETTE. Which would come within the arrangement.

The PRESIDENT pro tempore. The amendment offered by the Senator from Ohio [Mr. BURTON] will be stated.

The SECRETARY. On page 31, at the end of line 25, after the word "master," it is proposed to insert "owner of."

Mr. LA FOLLETTE. I would suggest that as the Senator from Iowa [Mr. CUMMINS] offered an amendment relating to an earlier section of the bill—

The PRESIDENT pro tempore. That was offered while the present occupant of the chair was out of the Chamber.

Mr. LA FOLLETTE. It was withdrawn with the understanding that we would begin at the beginning of the bill and take up the various sections of the bill and offer amendments in some sort of consecutive order. As I have an amendment to propose to line 17, page 20, I would suggest to the Senator from Ohio that we begin with the Senate bill, at the first section, and proceed with it section by section, offering amendments.

Mr. BURTON. Mr. President, I desire to perfect this bill, so that it may be in shape to express what the committee desired. It seems to me those amendments should be first introduced.

Mr. LA FOLLETTE. I think that is proper, Mr. President.

Mr. BURTON. There are four or five of them. They will not take a very long time.

Mr. LA FOLLETTE. I think that is the recognized procedure.

Mr. BURTON. The one which I have just offered is to cure a misprint.

The PRESIDENT pro tempore. Without objection, the amendment offered by the Senator from Ohio [Mr. BURTON] will be agreed to.

Mr. BURTON. I offer another amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to transfer page 39 to page 37, following line 20.

Mr. NELSON. I object to the transfer. It transposes it from that part of the bill which defines what an able-bodied seaman is.

Mr. BURTON. Yes.

Mr. NELSON. It ought to follow that.

Mr. BURTON. But it brings together the sections which pertain to the qualifications of the seamen and the lifeboat men. It brings them together. I will ask that it be read.

Mr. LA FOLLETTE. Let me suggest to the Senator from Ohio that it will make it impossible, without reconstructing amendments which have been prepared to be offered to the bill, to offer them with that transfer made.

Mr. BURTON. It can be very readily followed by taking page 39, which really belongs on page 37, as I suggested.

Mr. NELSON. I do not agree with the Senator on that point.

Mr. BURTON. It will be perfectly clear when that follows.

Mr. LA FOLLETTE. Yes, but we shall have to rewrite all our amendments.

Mr. FLETCHER. I suggest to the Senator from Ohio that it would seem to be a queer amendment to transfer one page to another page without specifying where it is to come in.

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

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

Mr. CUMMINS. A former occupant of the chair ruled that debate had closed upon this bill. Therefore debate is not now in order.

Mr. FLETCHER. I am simply asking the Senator from Ohio to state what part of page 37 he wishes this other page transferred to.

Mr. BURTON. Immediately after line 20. It is necessary that it shall go with the other provisions, relating to the qualifications of seamen. Another reason is that at the end of that section the dates on which the regulations are to take effect are specified, and if page 39 should remain where it now is there would be no direction relating to the time when that provision takes effect.

The PRESIDENT pro tempore. The Chair has just read the unanimous-consent agreement, and is of opinion that the voting will take place without discussion after the general debate has ended. The general debate seems to have ended, so that the Chair will be constrained to rule that debate is not now in order.

Mr. LA FOLLETTE. I do not know that the general debate has ended. We concluded debate here in an effort to get a quorum, and immediately thereafter the Senator from Ohio rose to offer an amendment. Before the Chair makes any ruling of that sort I want to enter in the RECORD the platforms of the Republican and the Democratic Parties with respect to this proposed legislation.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Ohio [Mr. BURTON] to the amendment, which will be stated.

The SECRETARY. It is proposed to transfer all on page 39 to page 37, following line 20.

Mr. LA FOLLETTE. Upon that amendment to the amendment I ask to have read what I send to the Secretary's desk.

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

The Secretary read as follows:

REPUBLICAN PLATFORM, 1912.

We favor the speedy enactment of laws to provide that seamen shall not be compelled to endure involuntary servitude and that life and property shall be safeguarded by the ample equipment of vessels with life-saving appliances and with full complements of skilled, able-bodied seamen to operate them.

DEMOCRATIC PLATFORM, 1912.

We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea; and we favor the repeal of all laws, and the abrogation of so much of our treaties with other nations, as provide for the arrest and imprisonment of seamen charged with desertion, or with violation of their contract of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from Ohio [Mr. BURTON] to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. BURTON. I offer another amendment, which I sent to the desk.

The SECRETARY. On page 40 it is proposed to strike out lines 1, 2, and 3, which read as follows—

Mr. BURTON. That goes with the other. The other one not having been adopted, it is to be abandoned.

The PRESIDENT pro tempore. The Chair understands that the Senator from Ohio withdraws the amendment to the amendment.

Mr. BURTON. In view of the fact that the other amendment was not adopted, that one is abandoned.

The PRESIDENT pro tempore. The amendment to the amendment is withdrawn.

Mr. BURTON. I now offer another amendment: On page 39, line 6, I move to strike out the word "if," after the word "that."

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

The SECRETARY. On page 39, line 6, it is proposed to strike out "if," so that if amended it will read:

That upon examination, under rules prescribed by the Department of Commerce and Labor, etc.

The amendment to the amendment was agreed to.

Mr. BURTON. I now move, on page 42, to strike out lines 7 and 8. Those lines are unnecessary.

The PRESIDENT pro tempore. The amendment will be reported.

The SECRETARY. On page 42 it is proposed to strike out lines 7 and 8 in the following words:

Section 5280, Revised Statutes, repealed.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Ohio to the amendment.

Mr. CHAMBERLAIN. I rise to a parliamentary inquiry. I should like to know the effect of repealing that statute.

The PRESIDENT pro tempore. The Secretary will read the amendment, and then the text as it would read if amended.

The SECRETARY. On page 42 it is proposed to strike out lines 7 and 8, the last two lines in the amendment, as follows:

Section 5280, Revised Statutes, repealed.

Mr. CHAMBERLAIN. What is the statute that is sought to be repealed?

The PRESIDENT pro tempore. The Senator from Ohio can probably inform the Senator from Oregon as to that.

Mr. BURTON. The Senator from Minnesota [Mr. NELSON] is more familiar with it than I am.

Mr. NELSON. I suppose the matter is not open to debate; but I ask to have the section of the statute read.

The PRESIDENT pro tempore. Without objection it will be read. The Chair will entertain debate until the hour of 8 o'clock, without objection.

Mr. NELSON. Lines 7 and 8 repeal that statute; and the motion is to strike out those lines.

Mr. BURTON. I understand the Senator from Minnesota received information in regard to this matter from the Commissioner of Navigation.

Mr. NELSON. Yes, sir.

Mr. BURTON. On examining that section I am not so sure that it should be repealed. I think it had better be allowed to remain.

Mr. NELSON. The bill proposes to repeal it, and the Senator's motion is to strike out the two lines repealing the section.

The PRESIDENT pro tempore. The Secretary will read section 5280 as requested.

The Secretary read as follows:

Sec. 5280. On application of a consul or vice consul of any foreign government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such government, while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document, that the person named belonged, at the time of desertion, to the crew of such vessel, it shall be the duty of any court, judge, commissioner of any circuit court, justice, or other magistrate, having competent power, to issue warrants to cause such person to be arrested for examination. If, on examination, the facts stated are found to be true, the person arrested not being a citizen of the United States, shall be delivered up to the consul or vice consul, to be sent back to the dominions of any such government, or, on the request and at the expense of the consul or vice consul, shall be detained until the consul or vice consul finds an opportunity to send him back to the dominions of any such government. No person so arrested shall be detained more than two months after his arrest; but at the end of that time shall be set at liberty, and shall not be again molested for the same cause.

Mr. BURTON. Mr. President, the copy I have before me shows that line and a half stricken out. It ought to be repealed, and I will ask the Secretary in what form the bill is as he has it.

The PRESIDENT pro tempore. The bill as reported from the committee contains those two lines as a part of the Senate committee amendment.

Mr. BURTON. The lines ought to stay, and no amendment is required. A copy had been handed me in which the lines are erased. I withdraw the amendment.

Mr. FLETCHER. I am not quite sure that it is the effect of this legislation to repeal that statute. However, it may be a mere memorandum furnished the committee showing that that provision of the Revised Statutes stands repealed by this legislation.

Mr. BURTON. I think, Mr. President, it would be better to take no chances on that. It is a section of the Revised Statutes which is altogether obnoxious to the action we are seeking to take in doing away with arrests for desertion. I will say to the Senator from Florida that if there is any mistake it can be arranged in conference; but I should prefer not to run the risk of allowing the lines to be stricken out, because the statute might then remain as law.

Mr. SWANSON. Mr. President, I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Senator from Virginia offers an amendment which will be stated.

The SECRETARY. On page 18, line 5, section 14, of the House text, strike out "one barge" and insert "two barges," so that section 14 will read:

Sec. 14. That towing of more than two barges or other vessels 50 miles or more," etc.

Mr. SWANSON. Mr. President, I do not know any objection from any source to this amendment. The reason why I offer it is because there will possibly be a vote between the bill as reported by the committee of the Senate and the bill as passed by the House. If the House bill should pass by the vote of the Senate, I should like to have that provision in it; and I think it is in order, because the committee reported to strike out all the House text and insert the provisions contained in the Senate committee bill. It would seem to me that the text of the House bill ought to be perfected before the motion to strike out and insert is passed upon.

Mr. BURTON. Mr. President, I have decided objections to that. There is no portion of the bill to which the seamen objected more than to allowing the towing of two barges.

Mr. SWANSON. I should like to say to the Senator—

Mr. NELSON. I make the point of order on the amendment, and I think the Senator from Virginia will agree with me. We are now considering the substitute. That should be first amended, and after that, if the substitute is voted down, then the Senator's amendment would be in order.

The PRESIDENT pro tempore. The point of order is not sustained. It is entirely proper to perfect the original text.

Mr. SWANSON. So far as the remark of the Senator from Ohio is concerned, I will say that the seamen who favor this bill came to see me and stated that they have no objection to section 14 going out. If I mistake not the Senate committee bill itself strikes it all out. The only objection to having this

amendment made is to try to get for the Senate bill the support of those who want two barges. I can see no purpose on the part of the Senator from Ohio except to give the Senate bill a strength it otherwise would not have. There has not been any loss of life whatever by towing two barges instead of one on all the rivers and in all the lumber business all over the United States where it is conducted by means of barges. To compel simply one barge instead of two to be towed would be an absolute disadvantage to that business.

Mr. BURTON. This is a perfectly simple proposition. It was discussed at very considerable length before the committee. The bill as it passed the House provided that not more than one barge should be towed unless the barges were furnished with propelling power, sails or otherwise. Those interested in these barges appeared before the committee and objected to that provision. They said they were willing, however, to have two instead of limiting it to one. To that the seamen strenuously objected. It was recognized, however, that there were many Senators who were opposed to that limitation. Hence the Senate committee, with the reluctant consent of the seamen but without opposition certainly from those who favored the use of barges, agreed on the provision which is now section 16. Section 16 contains no limitation, but does provide for a record being made of the loss of life and a report to Congress by the officer to whom such records on loss of life are transmitted.

I should most decidedly object, however, to the insertion of the provision that there shall be two barges allowed without propelling power, because I regard that kind of navigation as exceedingly dangerous to human life. Those who are interested in the use of barges, I may repeat, preferred the form as it is in the Senate committee bill. The seamen did not like it, but thought it better than to allow two barges.

Mr. SWANSON. As I understand the Senator from Ohio, then, the Senate bill strikes out section 14 entirely?

Mr. BURTON. It places no limitation on the use of those barges.

Mr. SWANSON. I will accept an amendment to make no limitation, and let section 14 go out of the House text.

Mr. BURTON. I think it might as well go out as to appear in the form in which it is in the Senate committee bill, for I really consider this to be a kind of navigation where there is serious danger to human life. The barges are frail, their draft is slight, and to allow them to go out to sea is like sending out a ready-made coffin. I should decidedly object to allowing two barges. In view of the strenuous opposition to the paragraph as it passed the House, the seamen consented that the form as it appears in the Senate bill should remain.

Mr. SMITH of Maryland. In regard to the bill as proposed by the Senate committee, I have no objection in so far as this barge matter is concerned—

Mr. LA FOLLETTE. Will the Senator from Maryland yield to me for just a moment?

Mr. SMITH of Maryland. Certainly, although I should like to finish the sentence. I say I have no objection, because there is going to be an investigation to disclose whether there is any trouble or defect in the present system of towing barges. To that I have no objection. Now I will yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I was going to say that I think I am in a position to know the views of the seamen upon this amendment, and I state without any hesitation that I believe it to be their idea that it is a matter of small consequence. Other things are of greater moment and importance to them than is this provision. Even though this be stricken out in whole, if the Senate bill can be radically changed or the House bill passed, they will accept it as some amelioration of the hard conditions under which they have been obliged to prosecute their livelihood.

Mr. SMITH of Maryland. I will say to the Senator from Wisconsin that I am not opposing—

Mr. LA FOLLETTE. I understand that.

Mr. SMITH of Maryland. Except that I wanted to say in regard to this matter—

The PRESIDENT pro tempore. The hour has arrived—

Mr. SMITH of Maryland. The fact is that the present law allows three barges to be towed.

The PRESIDENT pro tempore. The hour for voting has arrived, and no further debate can be entertained under the unanimous-consent agreement. The question is on agreeing to the amendment offered by the Senator from Virginia [Mr. SWANSON] to the House text. The amendment will be stated.

The SECRETARY. On page 18 of the House text, line 5, strike out "one barge" and insert "two barges," so as to read:

Sec. 14. That towing of more than two barges or other vessels 50 miles or more through the open sea is hereby prohibited, unless such barges or vessels so towed are provided with sail or other motive power and a crew sufficient to manage such barges or vessels.

The amendment was rejected.

The PRESIDENT pro tempore. The bill is as in Committee of the Whole, and the question is on agreeing to the amendment reported by the committee.

Mr. BURTON. There is one further amendment that I desire to offer. In line 19, on page 36, I move to strike out the words "in each department." It is a verbal correction.

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

The SECRETARY. On page 36, line 19, before the word "shall," strike out the words "in each department," so as to read:

Unless the crew shall include a sufficient number of seamen who understand the languages of both officers and crew, etc.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. On page 20, line 17, I move to strike out the words "and property," after the word "life."

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

The SECRETARY. On page 20, line 17, after the word "life," strike out the words "and property," so as to read:

For the safety of the vessel or her cargo or for the saving of life aboard other vessels in jeopardy.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. On page 20, after the word "Thanksgiving," in line 22, I move to insert the words "election day," and to insert after the words "election day" a comma, so that election day shall stand in that enumeration as one of the holidays for seamen.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. BRANDEGEE. I ask the Senator whether that would include municipal or State elections, or other elections besides National elections?

Mr. LA FOLLETTE. I will just leave it "Election Day."

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

The SECRETARY. On page 20, line 22, after the word "Thanksgiving," insert the words "election day," so as to read:

While the vessel is in a safe harbor no seaman shall be required to do any unnecessary work on Sundays or the following-named legal holidays: New Year's Day, Washington's Birthday, Good Friday, the Fourth of July, Labor Day, Columbus Day, Thanksgiving, Election Day, and Christmas.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. [Putting the question.] By the sound the yeas appear to have it.

Mr. LA FOLLETTE. I will ask for a division. I think seamen should be permitted to attend elections.

The PRESIDENT pro tempore. The Chair will put the question again by sound.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. On page 21, line 6, after the word "yachts," I move to strike out the balance of line 6, and all of line 7 and all of line 8 up to and including the word "hours" on line 8.

The PRESIDENT pro tempore. The Senator will insert "or" before "yachts"?

Mr. LA FOLLETTE. That is right.

The SECRETARY. On page 21, line 16, before the word "yachts," insert "or," and after the word "yachts" strike out "vessels of less than 300 gross tons or vessels whose regular schedule between terminal ports does not exceed 24 hours," so as to read:

But this section shall not apply to fishing or whaling vessels or yachts.

The PRESIDENT pro tempore. The question is on the amendment to the amendment. [Putting the question.] The yeas appear to have it.

Mr. LA FOLLETTE. Upon that question I demand the yeas and nays.

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

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the junior Senator from Rhode Island [Mr. LIPPITT] and vote. I vote "nay."

Mr. CHILTON (when his name was called). I have a general pair with the Senator from Illinois [Mr. CULLOM]. As he is not present, I withhold my vote.



Mr. CLARKE of Arkansas (when his name was called). I have a general pair with the junior Senator from Utah [Mr. SUTHERLAND]. He is not present, and I withhold my vote.

Mr. CURTIS (when his name was called). I am paired with the senior Senator from Indiana [Mr. SHIVELY] and therefore withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I will withhold my vote.

Mr. NELSON (when his name was called). I have a general pair with the senior Senator from Georgia [Mr. BACON] and withhold my vote. This announcement will apply to all the votes on this bill.

Mr. PAYNTER (when his name was called). I have a general pair with the senior Senator from Colorado [Mr. GUGGENHEIM]. I understand that he has not voted. I transfer my pair to the Senator from Louisiana [Mr. THORNTON] and vote "nay."

The roll call was concluded.

Mr. KERN. I desire to announce that the Senator from Colorado [Mr. THOMAS] is paired with the Senator from Maryland [Mr. JACKSON]. I will transfer my pair with the Senator from Kentucky [Mr. BRADLEY] to the Senator from Oklahoma [Mr. GORE] and vote. I vote "yea."

Mr. CURTIS. I wish to announce that the Senator from Michigan [Mr. SMITH] is paired with the Senator from Missouri [Mr. REED].

Mr. BRISTOW. I was requested to state that the senior Senator from Alabama [Mr. BANKHEAD] and the senior Senator from Oregon [Mr. BOURNE] are detained from the Chamber on a conference committee.

Mr. POINDEXTER. The senior Senator from Michigan [Mr. SMITH] is absent on account of illness. He is paired with the junior Senator from Missouri [Mr. REED].

The result was announced—yeas 24, nays 37, as follows:

YEAS—24.

|             |             |                |              |
|-------------|-------------|----------------|--------------|
| Ashurst     | Fall        | Martine, N. J. | Sheppard     |
| Borah       | Gronna      | Myers          | Smith, Ariz. |
| Brady       | Kenyon      | Page           | Smith, S. C. |
| Bristow     | Kern        | Pittman        | Stone        |
| Chamberlain | La Follette | Poindexter     | Williams     |
| Clapp       | Lea         | Pomerene       | Works        |

NAYS—37.

|             |                |           |            |
|-------------|----------------|-----------|------------|
| Brandegee   | Dillingham     | Kavanaugh | Perkins    |
| Briggs      | Dixon          | Lodge     | Richardson |
| Bryan       | Fletcher       | McCumber  | Root       |
| Burnham     | Foster         | McLean    | Simmons    |
| Burton      | Gallinger      | Newlands  | Smoot      |
| Catron      | Gamble         | O'Gorman  | Tillman    |
| Clark, Wyo. | Hitchcock      | Oliver    | Wetmore    |
| Crane       | Johnson, Me.   | Paynter   |            |
| Crawford    | Johnston, Ala. | Penrose   |            |
| Cummins     | Jones          | Percy     |            |

NOT VOTING—34.

|              |             |              |          |
|--------------|-------------|--------------|----------|
| Bacon        | Curtis      | Overman      | Swanson  |
| Bankhead     | du Pont     | Owen         | Thomas   |
| Bourne       | Gardner     | Reed         | Thornton |
| Bradley      | Gore        | Shively      | Townsend |
| Brown        | Guggenheim  | Smith, Ga.   | Warren   |
| Chilton      | Jackson     | Smith, Md.   | Watson   |
| Clarke, Ark. | Lippitt     | Smith, Mich. | Webb     |
| Culbertson   | Martin, Va. | Stephenson   |          |
| Cullom       | Nelson      | Sutherland   |          |

So Mr. LA FOLLETTE's amendment to the amendment was rejected.

Mr. LA FOLLETTE. I move to strike out after the word "ton," in line 7, on page 21, the remainder of line 7 and all of line 8 in the following words: "Or vessels whose regular schedule between terminal ports does not exceed 24 hours."

The amendment to the amendment was rejected.

Mr. LA FOLLETTE. On page 30 I wish to offer an amendment. I am not certain but that the Senator from Iowa [Mr. CUMMINS] proposes to move to strike out the entire provision. If so, I will waive proposing my amendment.

Mr. CUMMINS. Mr. President—

Mr. POINDEXTER. A parliamentary inquiry.

Mr. CUMMINS. I move to strike out the entire subdivision, beginning in line 4, on page 30.

Mr. POINDEXTER. My parliamentary inquiry is—

Mr. CUMMINS. Mr. President, I desire to state my amendment.

The PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. POINDEXTER. I should like to make a parliamentary inquiry.

Mr. CUMMINS. Will the Senator allow me to state my amendment? Then I will yield.

Mr. POINDEXTER. Certainly.

Mr. CUMMINS. My amendment is to strike out subdivision 9, on page 30, lines 4 to 13, inclusive. I am sorry I interrupted the Senator from Washington.

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

Mr. POINDEXTER. My understanding of the amendment upon which the yea-and-nay vote was taken was to strike out, in line 6, beginning with the word "vessels," and lines 7 and 8, down to and including the word "hours." I should like to inquire if that is the case?

The PRESIDENT pro tempore. That matter has been disposed of. The Chair will say it can be renewed when the bill goes to the Senate, if it is desired to do so.

Mr. LA FOLLETTE. If the Senator has addressed the question to me I will state that is the amendment I offered, and which was voted down upon the roll call.

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 30, strike out from line 4 to line 13, inclusive, in the following words:

Ninth. For each refusal or willful neglect to engage in boat or fire practice or drill, and for each refusal when engaged in boat drill, and so directed by the master, to efficiently assist in launching the ship's lifeboats the seaman shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment for not more than one year and by forfeiture of all wages earned: *Provided*, That no boat or fire drill shall be called for the purpose of preventing the men from quitting the service. The provisions of this section shall apply to all merchant vessels of the United States.

Mr. BURTON. To save time, I will state that I shall not object to the amendment to the amendment.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. On line 20, page 33, after the word "employment," I move to strike out the remainder of that line and all of lines 21, 22, 23, and 24 on that page, and lines 2 and 3 on page 34 down to and including the word "shipped."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 33, beginning with line 20, with the word "or," strike out the following:

Or shall by any threat or force dissuade or prevent or endeavor to dissuade or prevent any person from taking employment on board any vessel, or shall by any threat or force dissuade or prevent or endeavor to dissuade or prevent any person from remaining in the service of any vessel on which he has shipped, or by any threat or force induce or compel any person to disregard or disobey any lawful order or orders of the master or other licensed officer of the vessel on which he is shipped.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. [Putting the question.] The yeas appear to have it.

Mr. LA FOLLETTE. I will ask for a division.

Mr. MARTINE of New Jersey. I ask for the yeas and nays.

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

Mr. BRIGGS (when his name was called). I have a general pair with the Senator from West Virginia [Mr. WATSON]. I will transfer that pair to the junior Senator from Rhode Island [Mr. LIPPITT] and vote. I make this announcement for the day. I vote "nay."

Mr. CHILTON (when his name was called). I again announce my pair with the Senator from Illinois [Mr. CULLOM], and withhold my vote.

Mr. CLARKE of Arkansas (when his name was called). I again announce my pair with the junior Senator from Utah [Mr. SUTHERLAND]. I will let this announcement stand for the day.

Mr. CURTIS (when his name was called). I again announce my pair with the senior Senator from Indiana [Mr. SHIVELY] and withhold my vote. I will let this announcement stand for the night.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from Nebraska [Mr. BROWN] and vote "nay."

Mr. PAYNTER (when his name was called). I transfer my pair with the Senator from Colorado [Mr. GUGGENHEIM] to the Senator from Louisiana [Mr. THORNTON] and vote "nay." The roll call was concluded.

Mr. KERN. I again announce the unavoidable absence of the Senator from Colorado [Mr. THOMAS]. He is paired with the Senator from Maryland [Mr. JACKSON]. I will allow this announcement to stand for the evening.

The result was announced—yeas 28, nays 40, as follows:

YEAS—28.

|             |             |                |              |
|-------------|-------------|----------------|--------------|
| Ashurst     | Fall        | Martine, N. J. | Smith, Ariz. |
| Borah       | Gardner     | Myers          | Smith, S. C. |
| Bristow     | Jones       | Owen           | Tillman      |
| Chamberlain | Kenyon      | Pittman        | Watson       |
| Clapp       | Kern        | Poindexter     | Webb         |
| Cummins     | La Follette | Pomerene       | Williams     |
| Dixon       | Lea         | Sheppard       | Works        |

NAYS—40.

|             |              |                |            |
|-------------|--------------|----------------|------------|
| Bradley     | Crawford     | Johnston, Ala. | Penrose    |
| Brady       | Dillingham   | Kavanaugh      | Percy      |
| Brandege    | du Pont      | Lodge          | Perkins    |
| Briggs      | Fletcher     | McCumber       | Richardson |
| Bryan       | Foster       | McLean         | Root       |
| Burnham     | Gallinger    | O'Gorman       | Simmons    |
| Burton      | Gamble       | Oliver         | Smoot      |
| Clark, Wyo. | Gronna       | Overman        | Stephenson |
| Crane       | Hitchcock    | Page           | Stone      |
|             | Johnson, Me. | Paynter        | Wetmore    |

NOT VOTING—27.

|              |             |              |            |
|--------------|-------------|--------------|------------|
| Bacon        | Cullom      | Nelson       | Sutherland |
| Bankhead     | Curtis      | Newlands     | Swanson    |
| Bourne       | Gore        | Reed         | Thomas     |
| Brown        | Guggenheim  | Shively      | Thornton   |
| Chilton      | Jackson     | Smith, Ga.   | Townsend   |
| Clarke, Ark. | Lippitt     | Smith, Md.   | Warren     |
| Culberson    | Martin, Va. | Smith, Mich. |            |

So Mr. LA FOLLETTE's amendment to the amendment was rejected.

Mr. LA FOLLETTE. On page 36, in line 19, I move to strike out, beginning with the word "unless," the balance of that line and all of lines 20, 21, 22, 23, 24, and 25, on that page, and all of lines 1 and 2 on page 37.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 36, line 19, beginning with the word "unless," strike out the following words:

unless the crew shall include a sufficient number of seamen who understand the languages of both officers and crew, through whom the orders of the officers may be communicated in a manner to be readily understood by the seamen, in any department, to whom such orders are given. The number of seamen through whom the orders of the officers may be transmitted shall not be less than the number of lifeboats such vessel is required to carry, and at least one of such seamen shall be assigned to each lifeboat.

The amendment to the amendment was rejected, there being, on a division, yeas 17, noes 37.

Mr. LA FOLLETTE. Mr. President, on page 37, line 3, I move to strike out the words "carrying passengers."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin to the amendment of the committee will be stated.

The SECRETARY. On page 37, line 3, it is proposed to amend the committee amendment by striking out the words "carrying passengers," so that it will read:

No vessel, except those navigating rivers exclusively.

The PRESIDENT pro tempore. The question is on the amendment to the amendment. [Putting the question.] The "yeas" appear to have it.

Mr. BURTON. I ask for the yeas and nays, Mr. President. The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the Senator from Illinois [Mr. CULLOM], and withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON], and therefore withhold my vote.

Mr. PAYNTER (when his name was called). I transfer my general pair with the Senator from Colorado [Mr. GUGGENHEIM] to the Senator from Louisiana [Mr. THORNTON] and vote. I vote "yea."

The roll call having been concluded, the result was announced—yeas 47, nays 16, as follows:

YEAS—47.

|             |                |                |              |
|-------------|----------------|----------------|--------------|
| Asaurst     | Hitchcock      | Martine, N. J. | Sheppard     |
| Borah       | Johnson, Me.   | Myers          | Smith, Ariz. |
| Bradley     | Johnston, Ala. | Newlands       | Smith, S. C. |
| Bristow     | Jones          | O'Gorman       | Smoot        |
| Bryan       | Kavanaugh      | Overman        | Stephenson   |
| Chamberlain | Kenyon         | Owen           | Stone        |
| Clapp       | Kern           | Page           | Tillman      |
| Cummins     | La Follette    | Paynter        | Webb         |
| Dillingham  | Lea            | Perkins        | Williams     |
| Dixon       | Lodge          | Pomerene       | Works        |
| Fall        | McCumber       | Root           |              |
| Gronna      | McLean         |                |              |

NAYS—16.

|          |             |           |            |
|----------|-------------|-----------|------------|
| Brady    | Burton      | Crawford  | Gardner    |
| Brandege | Clark, Wyo. | Fletcher  | Oliver     |
| Briggs   | Crane       | Gallinger | Richardson |
| Burnham  |             | Gamble    | Wetmore    |

NOT VOTING—32.

|              |             |            |              |
|--------------|-------------|------------|--------------|
| Bacon        | Curtis      | Nelson     | Smith, Mich. |
| Bankhead     | du Pont     | Penrose    | Sutherland   |
| Bourne       | Foster      | Percy      | Swanson      |
| Brown        | Gore        | Pittman    | Thomas       |
| Chilton      | Guggenheim  | Reed       | Thornton     |
| Clarke, Ark. | Jackson     | Shively    | Townsend     |
| Culberson    | Lippitt     | Simmons    | Warren       |
| Cullom       | Martin, Va. | Smith, Md. | Watson       |

So the amendment of Mr. LA FOLLETTE to the amendment of the committee was agreed to.

Mr. LA FOLLETTE. On page 37, in line 11, I move to strike out of the committee amendment the words "the master" and to insert in lieu thereof "the board of local inspectors."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin to the amendment of the committee will be stated.

The SECRETARY. On page 37, line 11, it is proposed to strike out the words "the master" and insert in lieu thereof the words "the board of local inspectors," so that if amended it will read:

A seaman shall be entitled to the rating of efficient lifeboat hand who has shown by practical test to the satisfaction of the board of local inspectors that he is qualified to perform any duty required in the launching and handling of lifeboats, etc.

Mr. LA FOLLETTE. Upon that amendment to the amendment I ask for the yeas and nays.

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

Mr. CHILTON (when his name was called). I again announce my pair with the Senator from Illinois [Mr. CULLOM], and withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not present, I withhold my vote.

Mr. PAYNTER (when his name was called). I again transfer my pair with the senior Senator from Colorado [Mr. GUGGENHEIM] to the Senator from Louisiana [Mr. THORNTON] and vote. I vote "nay."

The roll call was concluded.

Mr. DU PONT. I transfer my pair with the senior Senator from Nebraska [Mr. BROWN], and will vote. I vote "nay."

The result was announced—yeas 35, nays 30; as follows:

YEAS—35.

|             |                |                |              |
|-------------|----------------|----------------|--------------|
| Ashurst     | Fall           | McCumber       | Poindexter   |
| Borah       | Gronna         | Martine, N. J. | Pomerene     |
| Brady       | Hitchcock      | Myers          | Sheppard     |
| Brandege    | Johnston, Ala. | Newlands       | Smith, Ariz. |
| Bryan       | Jones          | O'Gorman       | Stone        |
| Chamberlain | Kenyon         | Owen           | Webb         |
| Clapp       | Kern           | Page           | Williams     |
| Cummins     | La Follette    | Perkins        | Works        |
| Dillingham  | Lea            | Pittman        |              |

NAYS—30.

|             |              |            |              |
|-------------|--------------|------------|--------------|
| Bradley     | Crawford     | Kavanaugh  | Root         |
| Briggs      | Dixon        | Lodge      | Simmons      |
| Bristow     | du Pont      | McLean     | Smith, S. C. |
| Burnham     | Fletcher     | Oliver     | Smoot        |
| Burton      | Foster       | Overman    | Stephenson   |
| Clark, Wyo. | Gallinger    | Paynter    | Wetmore      |
| Crane       | Gardner      | Percy      |              |
|             | Johnson, Me. | Richardson |              |

NOT VOTING—30.

|              |             |              |          |
|--------------|-------------|--------------|----------|
| Bacon        | Curtis      | Penrose      | Thomas   |
| Bankhead     | Gamble      | Reed         | Thornton |
| Bourne       | Gore        | Shively      | Tillman  |
| Brown        | Guggenheim  | Smith, Ga.   | Townsend |
| Chilton      | Jackson     | Smith, Md.   | Warren   |
| Clarke, Ark. | Lippitt     | Smith, Mich. | Watson   |
| Culberson    | Martin, Va. | Sutherland   |          |
| Cullom       | Nelson      | Swanson      |          |

So the amendment of Mr. LA FOLLETTE to the amendment of the committee was agreed to.

Mr. LA FOLLETTE. Mr. President, on page 39, line 1, I move to strike out the words "carrying passengers for hire," because one life is worth as much as another.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin to the amendment of the committee will be stated.

The SECRETARY. On page 39, line 1, it is proposed to strike out the words "carrying passengers for hire," so that if amended it will read:

No vessel, except those navigating rivers exclusively, shall depart from any port of the United States unless she shall have as part of her crew a sufficient number of wheelmen or quartermasters, etc.

The amendment to the amendment was agreed to.

Mr. LA FOLLETTE. On page 39, line 15, after the word "yachts," I move to strike out the remainder of that line, all of line 16, and line 17 to and including the word "hours," in that line.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin to the amendment of the committee will be stated.

The SECRETARY. On page 39, in line 15, beginning with the word "vessels," it is proposed to strike out the following words:

Vessels of less than 300 gross tons, or vessels whose regular schedule between terminal ports does not exceed 12 hours.

The PRESIDENT pro tempore. The question is on the amendment to the amendment. [Putting the question.] By the sound the "noes" appear to have it.

Mr. LA FOLLETTE. I must ask for the yeas and nays on that. It is a tremendously important amendment. The yeas and nays were not ordered.

Mr. LA FOLLETTE. Well, Mr. President, I ask for a count—a standing count.

The PRESIDENT pro tempore. The Senator from Wisconsin asks for a division.

The question being put, there were on a division—ayes 24, noes 27.

The PRESIDENT pro tempore. The amendment of the Senator from Wisconsin to the amendment of the committee is not agreed to.

Mr. LA FOLLETTE. I ask for the yeas and nays on that amendment. It is a very important amendment.

The PRESIDENT pro tempore. The Chair can not entertain a second demand for the yeas and nays.

Mr. LA FOLLETTE. I think they ought to be accorded by the Senate, and I ask for the yeas and nays.

The PRESIDENT pro tempore. The Chair can not entertain that request. The yeas and nays were denied.

Mr. LA FOLLETTE. I understood that the last count was to determine whether or not we should have the yeas and nays.

The PRESIDENT pro tempore. The Chair did not so understand.

Mr. STONE. I so understood.

Mr. LA FOLLETTE. The Senator from Missouri so understood, and other Senators did, I think.

Mr. POINDEXTER. I so understood.

The PRESIDENT pro tempore. The Chair knows of no rule or custom requiring a count to be taken to determine whether the yeas and nays shall be ordered.

Mr. LA FOLLETTE. I do not see how the yeas and nays can be determined without a count. If one-fifth of those stand in favor of ordering the yeas and nays, that would indicate that the yeas and nays shall be accorded.

Mr. LODGE. A Senator can demand the other side on a request for the yeas and nays, but he can not demand a vote upon it.

Mr. LA FOLLETTE. What does that mean except a count?

Mr. LODGE. After the yeas and nays have been demanded and the Chair has announced that a sufficient number have not seconded the demand, a Senator can ask for the other side to show whether one-fifth of the Senators present have seconded the demand. If that fails, then there is nothing that can be done.

Mr. LA FOLLETTE. I ask unanimous consent that the yeas and nays be taken.

Mr. STONE. It is not a question of unanimous consent.

The PRESIDENT pro tempore. The Chair will solve that problem by asking that the vote be taken by yeas and nays. Senators agreeing to the amendment to the amendment will, when their names are called, vote "yea," those opposed "nay."

Mr. ASHURST. I ask that the amendment to the amendment be again stated.

The PRESIDENT pro tempore. The Secretary will again state the amendment to the amendment.

The SECRETARY. On page 39, line 15, beginning with the word "vessels," it is proposed to strike out:

vessels of less than 300 gross tons, or vessels whose regular schedule between terminal ports does not exceed 12 hours.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I again announce my pair with the Senator from Illinois [Mr. CULLOM], and withhold my vote.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from Nebraska [Mr. BROWN] and will vote. I vote "nay."

Mr. PAYNTER (when his name was called). I again transfer my pair with the senior Senator from Colorado [Mr. GUGGENHEIM] to the Senator from Louisiana [Mr. FOSTER] and vote. I vote "nay."

Mr. SMITH of Michigan (when his name was called). I announce my pair with the junior Senator from Missouri [Mr. REED]. I desire to transfer that pair to the junior Senator from Michigan [Mr. TOWNSEND] and vote. I vote "nay."

The roll call having been concluded, the result was announced—yeas 21, nays 39, as follows:

YEAS—21.

|                |             |            |          |
|----------------|-------------|------------|----------|
| Ashurst        | Jones       | Page       | Webb     |
| Borah          | Kavanaugh   | Pittman    | Williams |
| Chamberlain    | Kern        | Poindexter | Works    |
| Clapp          | La Follette | Pomerene   |          |
| Gardner        | Lea         | Sheppard   |          |
| Johnston, Ala. | Myers       | Stone      |          |

NAYS—39.

|             |              |          |              |
|-------------|--------------|----------|--------------|
| Bradley     | Cummins      | Kenyon   | Richardson   |
| Brady       | Dillingham   | Lodge    | Root         |
| Brandege    | Dixon        | McCumber | Simmons      |
| Briggs      | du Pont      | McLean   | Smith, Ga.   |
| Bristow     | Fletcher     | Newlands | Smith, Mich. |
| Bryan       | Foster       | Oliver   | Smith, S. C. |
| Burnham     | Gallinger    | Overman  | Smoot        |
| Burton      | Gronna       | Paynter  | Stephenson   |
| Clark, Wyo. | Hitchcock    | Percy    | Wetmore      |
| Crane       | Johnson, Me. | Perkins  |              |

NOT VOTING—35.

|              |             |                |            |
|--------------|-------------|----------------|------------|
| Bacon        | Cullom      | Martine, N. J. | Sutherland |
| Bankhead     | Curtis      | Nelson         | Swanson    |
| Bourne       | Fall        | O'Gorman       | Thomas     |
| Brown        | Gamble      | Owen           | Thornton   |
| Catron       | Gore        | Penrose        | Tillman    |
| Chilton      | Guggenheim  | Reed           | Townsend   |
| Clarke, Ark. | Jackson     | Shively        | Warren     |
| Crawford     | Lippitt     | Smith, Ariz.   | Watson     |
| Culberson    | Martin, Va. | Smith, Md.     |            |

So Mr. LA FOLLETTE'S amendment to the amendment of the committee was rejected.

Mr. LA FOLLETTE. I think, Mr. President, that is all the amendments I have to offer for the present.

Mr. BURTON obtained the floor.

Mr. LODGE. Mr. President—

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

Mr. LODGE. I offer an amendment to the amendment of the committee to which I think there will be no objection.

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

Mr. LODGE. It is to be added as a new section.

The SECRETARY. At the end of the bill it is proposed to add as a new section the following:

SEC. 16. That section 16 of the act approved December 21, 1898, entitled "An act to amend the laws relating to American seamen, for the protection of such seamen, and to promote commerce," be amended by adding at the end of the section the following:

"Provided, That at the discretion of the Secretary of Commerce and Labor, and under such regulations as he may prescribe, if any seaman incapacitated from service by injury or illness is on board a vessel so situated that a prompt discharge requiring the personal appearance of the master of the vessel before an American consul or consular agent is impracticable, such seaman may be sent to a consul or consular agent, who shall care for him and defray the cost of his maintenance and transportation as provided in this paragraph."

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

Mr. SIMMONS. I desire to inquire if it is in order now to offer an amendment by way of perfecting the House text of the bill?

The PRESIDENT pro tempore. The Chair will answer that after the pending question has been settled. The question is on the amendment offered by the Senator from Massachusetts [Mr. LODGE] to the amendment of the committee.

The amendment to the amendment was agreed to.

The PRESIDENT pro tempore. The Chair will say to the Senator from North Carolina that the amendment he suggests is in order.

Mr. SIMMONS. I move to strike out all of section 14, on page 18, of the House bill, so called, and insert in lieu thereof what I have marked on page 40 of the Senate bill.

The PRESIDENT pro tempore. The Senator from North Carolina submits an amendment, which will be stated.

The SECRETARY. On page 18 it is proposed to strike out section 14, as printed in the House text of the bill, and in lieu thereof to insert the following:

SEC. 14. That the owner, agent, or master of every barge which, while in tow for 50 miles or more through the open sea, has sustained or caused any accident, shall be subject in all respects to the provisions of sections 10, 11, 12, and 13 of chapter 344 of the Statutes at Large approved June 20, 1874, and the reports therein prescribed shall be transmitted by collectors of customs to the Secretary of Commerce and Labor, who shall transmit annually to Congress a summary of such reports during the previous fiscal year, together with a brief statement of the action of the department in respect to such accidents.

Mr. SIMMONS. I should like to have the Secretary read section 14.

The PRESIDENT pro tempore. Section 14 of the original text will be read.

The SECRETARY. Section 14 of the House text reads as follows:

SEC. 14. That towing of more than one barge or other vessel 50 miles or more through the open sea is hereby prohibited, unless such barges or vessels so towed are provided with sail or other motive power and a crew sufficient to manage such barges or vessels.

Any person, firm, or corporation violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$2,500, or by imprisonment for not more than one year, or by both such fine and imprisonment, in the discretion of the court.

Mr. BURTON. I should like to ask where that amendment is proposed to be inserted.

The PRESIDENT pro tempore. The motion is to strike out section 14 and insert the language that has been read.

Mr. SIMMONS. I will say to the Senator from Ohio that this is a proposition to strike out the section and insert the Senate substitute for it.

The PRESIDENT pro tempore. Debate is not in order.

Mr. BURTON. I suggest that the substitute reported by the Senate committee takes care of that.

The PRESIDENT pro tempore. The Chair will again state that debate is not in order.

Mr. CRAWFORD. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CRAWFORD. The bill reported and submitted, which the Senate is considering, is a substitute for the House bill. Is it competent now, before that is disposed of, to treat the House bill as the pending bill and change section 14 in it?

The PRESIDENT pro tempore. Unquestionably so. Amendments to the original text have preference over amendments to the substitute. The question is upon the amendment of the Senator from North Carolina.

The amendment was rejected.

Mr. BURTON. I move to substitute the bill reported by the Senate committee, as amended, for the House text.

The PRESIDENT pro tempore. That is not a parliamentary motion. The question is upon the amendment as amended.

Mr. BURTON. A parliamentary inquiry, Mr. President. I desire to ask for a vote in the Senate on the amendment at the top of page 39, line 1. The adoption of the amendment as amended will not preclude having that vote taken in the Senate?

The PRESIDENT pro tempore. The Senator can reserve that amendment.

Mr. BURTON. I will reserve, then, that amendment for a vote in the Senate.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment as amended. The Senator can reserve it when the bill reaches the Senate.

Mr. LODGE. Mr. President, referring to the inquiry made by the Senator from Ohio, I understand the question now is on reporting to the Senate the amendment made as in Committee of the Whole?

The PRESIDENT pro tempore. As amended.

Mr. LODGE. As amended. If the amendment made as in Committee of the Whole, which is the committee amendment, is adopted, it takes the place of the whole bill, does it not?

The PRESIDENT pro tempore. It certainly does.

Mr. LODGE. Then can a reservation be made of each amendment made to it?

The PRESIDENT pro tempore. The Chair thinks a motion to strike out any portion of the amendment after it reaches the Senate would be in order. The question is upon agreeing to the amendment as amended.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended.

Mr. BURTON. I ask for a vote on the amendment in line 1, page 39, striking out the words "carrying passengers for hire."

Mr. LODGE. Mr. President, there is the precise point. If I am not mistaken, what comes over to the Senate is one amendment. We struck out the House text and inserted another bill after the enacting clause, which, of course, perfected that amendment; but it remained one amendment.

The PRESIDENT pro tempore. The Chair is clearly of opinion that in the Senate an amendment that has been adopted as in Committee of the Whole may be amended.

Mr. LODGE. Certainly; I quite agree to that; but how can we reserve amendments when there is only one amendment?

The PRESIDENT pro tempore. It is not reserved. The Senator from Ohio now moves to amend the amendment.

Mr. LODGE. That is all right.

Mr. BURTON. I move to amend the amendment by inserting the words "carrying passengers for hire," on page 39, line 1. On that I wish to make a parliamentary inquiry. The vote reinstating those words or inserting them is, I take it, "aye"?

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

The SECRETARY. On page 39, line 1, after the word "vessel," insert "carrying passengers for hire."

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

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

Mr. CHILTON (when his name was called). I announce my pair with the Senator from Illinois [Mr. CULLOM].

Mr. CURTIS (when his name was called). I again announce my pair and withhold my vote.

Mr. DU PONT (when his name was called). I again announce my pair and withhold my vote.

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I should like to inquire whether the Senator from South Carolina [Mr. TILLMAN] has voted.

The PRESIDENT pro tempore. That Senator has not voted.

Mr. DILLINGHAM. Then I withdraw my vote.

Mr. SMITH of Michigan. I desire to state that my colleague [Mr. TOWNSEND] is necessarily absent from the Chamber, and that the pair I announced on the first roll call will apply during the evening or until he returns. If he were present, he would vote "nay."

The result was announced—yeas 21, nays 37, as follows:

YEAS—21.

|             |           |            |            |
|-------------|-----------|------------|------------|
| Brady       | Crane     | Oliver     | Smoot      |
| Briggs      | Crawford  | Paynter    | Stephenson |
| Bryan       | Fletcher  | Percy      | Wetmore    |
| Burnham     | Foster    | Richardson |            |
| Burton      | Gallinger | Root       |            |
| Clark, Wyo. | Gamble    | Smith, Ga. |            |

NAYS—37.

|             |                |                |              |
|-------------|----------------|----------------|--------------|
| Ashurst     | Hitchcock      | Martine, N. J. | Pomerene     |
| Borah       | Johnson, Me.   | Myers          | Sheppard     |
| Brandegge   | Johnston, Ala. | Newlands       | Smith, Mich. |
| Bristow     | Jones          | O'Gorman       | Smith, S. C. |
| Chamberlain | Kenyon         | Overman        | Stone        |
| Clapp       | La Follette    | Owen           | Williams     |
| Cummins     | Lea            | Page           | Works        |
| Fall        | Lodge          | Perkins        |              |
| Gardner     | McCumber       | Pittman        |              |
| Gronna      | McLean         | Poindexter     |              |

NOT VOTING—37.

|              |            |              |          |
|--------------|------------|--------------|----------|
| Bacon        | Curtis     | Martin, Va.  | Thomas   |
| Bankhead     | Dillingham | Nelson       | Thornton |
| Bourne       | Dixon      | Penrose      | Tillman  |
| Bradley      | du Pont    | Reed         | Townsend |
| Brown        | Gore       | Shively      | Warren   |
| Catron       | Guggenheim | Simmons      | Watson   |
| Chilton      | Jackson    | Smith, Ariz. | Webb     |
| Clarke, Ark. | Kavanaugh  | Smith, Md.   |          |
| Culbertson   | Kern       | Sutherland   |          |
| Cullom       | Lippitt    | Swanson      |          |

So Mr. BURTON's amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is upon concurring in the amendment made as in Committee of the Whole.

Mr. LA FOLLETTE. Mr. President, in order that we may understand the matter, an affirmative vote on that proposition would adopt the bill reported from the Senate committee?

The PRESIDENT pro tempore. That is correct.

Mr. LA FOLLETTE. As amended?

Mr. LODGE. As amended.

Mr. LA FOLLETTE. Instead of the House text?

The PRESIDENT pro tempore. Instead of the House text.

Mr. LA FOLLETTE. And a negative vote would adopt the House text in preference to the bill as amended?

Mr. LODGE. No; then the question would arise on putting on its passage the bill as it passed the House.

Mr. LA FOLLETTE. That is correct, if the substitute is voted down.

The PRESIDENT pro tempore. The question is upon concurring in the amendment made as in Committee of the Whole.

The amendment was concurred in, there being on a division—ayes 41, noes 20.

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

The bill was read the third time and passed.

The title was amended so as to read: "An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea."

Mr. BURTON. I move that the Senate request a conference with the House on the bill and amendment, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BURTON, Mr. CRAWFORD, and Mr. FLETCHER conferees on the part of the Senate.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the amendment of the Senate No. 132 to the bill (H. R. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, with an amendment, in which it requested the concurrence of the Senate; disagreeing to the residue of the amendments of the Senate to the bill, and requesting a conference with the Senate on the disagreeing-votes of the two Houses thereon.

Mr. CURTIS. I move that the Senate disagree to the amendment of the House to the amendment of the Senate numbered

132, insist upon its amendments disagreed to by the House, agree to the conference asked for by the House on the disagreeing votes of the two Houses thereon, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. CURTIS, Mr. SMOOT, and Mr. SMITH of Maryland conferees on the part of the Senate.

#### DEMOTION OF WILLIAM HALL AND OTHERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Postmaster General, transmitting, in response to a resolution of December 4, 1912, the correspondence in the Post Office Department relating to the demotion in 1911 of William Hall, C. H. Erwin, R. E. Erwin, J. J. Negley, and E. P. Rodman, clerks in the Railway Mail Service, which, with the accompanying papers, was referred to the Committee on Post Offices and Post Roads and ordered to be printed.

#### PETITIONS AND MEMORIALS.

Mr. OWEN. I present a concurrent resolution adopted by the Legislature of Oklahoma, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the concurrent resolution was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

#### Senate concurrent resolution 16.

Whereas the report of the General Land Office at Washington, D. C., of July 1, 1912, shows that there is 39,525 acres of unappropriated and unreserved public lands in the State of Oklahoma; and  
Whereas the character of this land is such that it is not suitable for agricultural purposes and consists principally of isolated tracts; and  
Whereas the same has been subject to homestead entry since the opening of this country in the years 1889, 1891, and 1893, and no entries have been made thereon; and  
Whereas the lands above mentioned are now under the jurisdiction of the United States land office of Oklahoma; and  
Whereas it will cost the United States Government practically as much money to finally dispose of said lands as same are now worth; and  
Whereas chapter 112, Session Laws of Oklahoma, 1911, created a fund known as "Consolidated school district fund" and set aside section 33 in original Greer County as it existed on November 15, 1907, and all lands selected in lieu thereof, for the benefit of this fund; and  
Whereas the value of this land as shown by the recent appraisalment and including that which has been sold is \$406,433; and  
Whereas this fund is inadequate to assist in building schoolhouses as contemplated by the legislature: Therefore

*Be it resolved by the senate (the house of representatives concurring therein),* That the Congress of the United States of America be requested and memorialized to grant to the State of Oklahoma for the use and benefit of the consolidated public schools of said State all of the land lying within said State which is unappropriated and all land upon may hereafter be canceled and all other land which might now be or may hereafter be cancelled and all other land which might now be or may hereafter become vacant. Be it further

*Resolved,* That a copy of this resolution be forwarded to the Secretary of the United States Senate, a copy to the Clerk of the House of Representatives, a copy to the General Land Office, and a copy to each of the Representatives in Congress from the State of Oklahoma.

Adopted by the senate the 15th day of February, 1913.

C. B. KENDRICK,

President Pro Tempore of the Senate.

Attest:

NED McDANIEL, Secretary of the Senate.

Adopted by the house the 21st day of February, 1913.

J. H. MAXEY,

Speaker of the House.

Attest:

GUS POOL, Chief Clerk of the House.

#### STATE OF OKLAHOMA, ss.

I, Ned McDaniel, the duly elected and qualified secretary of the senate of the State of Oklahoma, hereby certify that the above and foregoing is a full, true, correct, and complete copy of senate concurrent resolution 16, as the same appears of record in my office.

In witness whereof I have hereunto set my hand this 25th day of February, 1913.

NED McDANIEL,  
Secretary of the Senate.

Mr. OWEN. I present a concurrent resolution adopted by the Legislature of Oklahoma, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the concurrent resolution was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

#### Senate concurrent resolution 18.

A resolution requesting our Senators and Representatives in Congress to secure second-class postage rates for the Publicity Pamphlet.

Whereas Oklahoma is fully committed to the policy of the "people's rule" in its highest and best sense; and

Whereas the best results can be hoped for only when the people are fully and correctly informed as to the measures upon which they are to cast their ballots; and

Whereas the method of distributing the Publicity Pamphlet heretofore used has not given satisfaction: Therefore be it

*Resolved by the Oklahoma State Senate (the House of Representatives concurring therein),* That the Senators and Congressmen from this State be each furnished a copy of this resolution and that they be re-

quested to take such action as may be necessary to have the Publicity Pamphlet admitted to the mails as second-class matter.

Adopted by the Senate the 15th day of February, 1913.

J. J. McALESTER,  
President of the Senate.

Attest:

NED McDANIEL,  
Secretary of the Senate.

Adopted by the house of representatives the 21st day of February, 1913.

J. H. MAXEY,  
Speaker of the House.

Attest:

GUS POOL,  
Chief Clerk of the House.

#### STATE OF OKLAHOMA, ss.

I, Ned McDaniel, the duly elected and qualified secretary of the Senate of the State of Oklahoma, hereby certify that the above and foregoing is a full, true, correct, and complete copy of senate concurrent resolution 18 as the same appears of record in my office.

In witness whereof I have hereunto set my hand this 25th day of February, 1913.

NED McDANIEL,  
Secretary of the Senate.

Mr. BRANDEGEE presented a memorial of sundry citizens of New Britain, Conn., remonstrating against any appropriation being made for the celebration of the 100 years of peace with Great Britain, which was ordered to lie on the table.

He also presented a petition of Local Grange, Patrons of Husbandry, of Norwich, Conn., and a petition of Meadow Brook Grange, Patrons of Husbandry, of North Windham, Conn., praying for the passage of the so-called agricultural extension bill, which were ordered to lie on the table.

#### CIVIL WAR PENSIONS.

Mr. CURTIS, from the Committee on Pensions, to which was referred the bill (S. 6400) increasing pensions of widows of the Civil War, reported it with an amendment, and submitted a report (No. 1337) thereon.

#### SPECIAL RESIDENT COMMISSIONER OF LINCOLN MEMORIAL.

Mr. ROOT. I introduce a bill which must be introduced now if it is to be passed, and upon which I think there is a very general agreement. I ask for its present consideration.

The bill (S. 8580) relating to supervision of the Lincoln Memorial was read the first time by its title, and the second time at length, 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 PRESIDENT pro tempore. The Senator from New York asks for the present consideration of the bill just introduced by him. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### AGRICULTURAL EXTENSION DEPARTMENTS.

Mr. SMITH of Georgia. Mr. President, last night I presented a motion. I meant it to be a motion then made, to go over until Monday. It is printed as a notice of a motion Monday. I fear that it might be subject to a point of order on Monday, and might be carried over to Tuesday. I meant to present it as a motion then, but not to insist upon its being heard then.

The PRESIDENT pro tempore. The Chair will accept the statement of the Senator from Georgia, and treat it as though the motion had been made.

#### CAPT. HERBERT A. WHITE.

A message from the President of the United States, by Mr. Latta, was received.

Mr. CUMMINS. I wish to make a request. A military nomination has just been received by the Senate. I ask unanimous consent that, as in executive session, it be referred to the Committee on Military Affairs.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that a military nomination by the President of the United States be referred to the Committee on Military Affairs, as in executive session. Is there objection?

Mr. CULBERSON. What is the nomination, Mr. President?

The PRESIDENT pro tempore. The nomination will be read. The SECRETARY. To be judge advocate, with the rank of major, Capt. Herbert A. White.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Iowa? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT pro tempore. The Senator from Massachusetts moves that the Senate proceed to the consideration of executive business.

Mr. JOHNSTON of Alabama. I move that the Senate adjourn.

The PRESIDENT pro tempore. The Senator from Alabama moves that the Senate adjourn. [Putting the question.] By the sound the noes appears to have it.

Mr. ASHURST. I call for a division.

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

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

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

Mr. CLARKE of Arkansas (when his name was called). I am paired with the junior Senator from Utah [Mr. SUTHERLAND]. I understand that if present he would vote "nay," and as I shall vote that way myself, I feel at liberty to vote. I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the senior Senator from Nebraska [Mr. BROWN], and vote. I vote "nay."

Mr. SMITH of Georgia (when his name was called). May I be permitted to explain my vote before voting?

The PRESIDENT pro tempore. It is not permitted by the rules, but, if there is no objection, the Senator may do so.

Mr. SMITH of Georgia. What I wish to say is, that in view of the day and the hour my preference is to go home, but there are Senators who think I was a party to an agreement to go now into executive session, and therefore I vote "nay."

The roll call was concluded.

Mr. DILLINGHAM (after having voted in the negative). I observe that my pair, the Senator from South Carolina [Mr. TILLMAN], has not voted, and I therefore withdraw my vote.

The result was announced—yeas 10, nays 52, as follows:

YEAS—10.

|           |                |          |              |
|-----------|----------------|----------|--------------|
| Gardner   | Johnson, Me.   | Lea      | Smith, S. C. |
| Gronna    | Johnston, Ala. | Pomerene |              |
| Hitchcock | Kern           | Sheppard |              |

NAYS—52.

|              |             |                |              |
|--------------|-------------|----------------|--------------|
| Ashurst      | Crawford    | McCumber       | Simmons      |
| Borah        | Cummins     | McLean         | Smith, Ariz. |
| Bradley      | Dixon       | Martine, N. J. | Smith, Ga.   |
| Brady        | du Pont     | Myers          | Smith, Md.   |
| Brandegee    | Fall        | O'Gorman       | Smith, Mich. |
| Briggs       | Fletcher    | Oliver         | Smoot        |
| Bristow      | Foster      | Owen           | Stephenson   |
| Bryan        | Gallinger   | Page           | Watson       |
| Burnham      | Gamble      | Percy          | Williams     |
| Burton       | Jones       | Perkins        | Works        |
| Clapp        | Kavanaugh   | Pittman        |              |
| Clark, Wyo.  | Kenyon      | Poindexter     |              |
| Clarke, Ark. | La Follette | Richardson     |              |
| Crane        | Lodge       | Root           |              |

NOT VOTING—33.

|             |             |            |          |
|-------------|-------------|------------|----------|
| Bacon       | Curtis      | Overman    | Thornton |
| Bankhead    | Dillingham  | Paynter    | Tillman  |
| Bourne      | Gore        | Penrose    | Townsend |
| Brown       | Guggenheim  | Reed       | Warren   |
| Catron      | Jackson     | Shively    | Webb     |
| Chamberlain | Lippitt     | Stone      | Webbmore |
| Chilton     | Martin, Va. | Sutherland |          |
| Culbertson  | Nelson      | Swanson    |          |
| Cullom      | Newlands    | Thomas     |          |

So the Senate refused to adjourn.

Mr. LODGE and Mr. O'GORMAN addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts has already made a motion to proceed to the consideration of executive business. The question is upon agreeing to that motion.

The motion was agreed to; and (at 9 o'clock and 25 minutes p. m., Sunday, March 2) the Senate proceeded to the consideration of executive business.

LEGISLATIVE BUSINESS.

While the doors were closed a message was received from the House of Representatives as in legislative session, and legislative business was transacted as in legislative session, as appears following the message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills.

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 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. 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. 16993. An act for the relief of Mathew T. Fuller; 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.

The message also announced that the House had passed the bill (S. 5137) for the relief of Alice V. Houghton.

The message further announced that the House had agreed to the concurrent resolution of the Senate providing for the printing of the proceedings and eulogies commemorative of the life and character of James S. Sherman, late Vice President of the United States.

The message further announced that the House had agreed to the amendment of the Senate to the concurrent resolution of the House providing for the printing of the tariff hearings before the Committee on Ways and Means of the House of Representatives since the 6th day of January last.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28180) 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 House further insists on its disagreement to the amendments of the Senate to the bill (H. R. 28769) 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, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BURNETT, Mr. CLARK of Florida, and Mr. ANDRUS managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAYTON, Mr. RUCKER of Missouri, and Mr. STERLING managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate 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, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. BARTLETT, and Mr. CANNON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

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

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

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. 8575. An act to authorize the town of Okanogan, Wash., to construct and maintain a bridge across the Okanogan River;

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. 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;

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. 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. 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. 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;

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. 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; and

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

SENATOR FROM NEW JERSEY.

Mr. MARTINE of New Jersey. I present the credentials of Hon. WILLIAM HUGHES, chosen by the legislature of my State a Senator, which I ask may be read and placed on the files.

The PRESIDENT pro tempore. The credentials will be read.

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

EIGHT-HOUR LAW.

Mr. BORAH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 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 House 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 excavations in any river or harbor of the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States," so that the proviso in section 1 will read: "Provided, That nothing in this act shall apply or be construed to apply to persons employed in connection with dredging or rock excavation in any river or harbor of

the United States or of the District of Columbia while not directly operating dredging or rock excavating machinery or tools, nor to persons engaged in construction or repair of levees or revetments necessary for protection against floods or overflows on the navigable rivers of the United States"; and the Senate agree to the same.

W. E. BORAH,  
B. F. SHIVELY,  
B. PENROSE,

Managers on the part of the Senate.

W. B. WILSON,  
FRANK BUCHANAN,

Managers on the part of the House.

The report was agreed to.

AGRICULTURE APPROPRIATION BILL (S. DOC. NO. 1131).

Mr. BURNHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28283) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1914, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 12, 34, 38, 39, 45, 64, 66, 69, 73, 75, 76, 77, 80, 81, 88, 101, 104, 107, 108, 113, 114, 115, 116, 120, 121, 128, 129, 130, 135, 140, 141, 157, 158, 159, 160, 164, 165, 166, 167, 168, 169, 170, 171, 173, 174, 175, 176, 177, 181, 182, 189, 190, 193, 194, 200, 205, 208, 211, 213, 215, 216, 218, 219, 220, 221, 222, 223, 224, 226, 227, 228, 229, 237, 240, 243, 244, 245, 246.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 7, 8, 9, 10, 13, 14, 15, 18, 19, 20, 21, 22, 25, 29, 32, 35, 37, 41, 42, 43, 44, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 63, 67, 70, 71, 84, 89, 92, 93, 96, 97, 98, 99, 100, 102, 109, 111, 112, 122, 123, 125, 127, 136, 138, 139, 142, 146, 147, 148, 149, 150, 152, 153, 154, 156, 162, 163, 180, 184, 185, 186, 187, 188, 191, 192, 195, 198, 202, 203, 204, 207, 209, 210, 212, 233, 235, 239, 242, and agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$303,820"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of "37 messengers, messenger boys or laborers at \$600 each," insert "31 messengers, messenger boys or laborers at \$600 each"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$325,860"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$120,000"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$45,000"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$1,356,750"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$1,707,610"; and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out "There shall be one" and insert in lieu thereof "One," so it will read: "One chief of bureau, \$5,000"; and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the

sum inserted by said amendment insert "\$2,500"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$350,250"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: In lieu of the language proposed by said amendment insert the following: "That of this sum not less than \$75,000 shall be set aside for demonstrating the best method of preventing and eradicating hog cholera"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$1,371,046"; 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 sum inserted by said amendment insert "\$2,031,196"; 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: Strike out "There shall be one" and insert "One," so it will read: "One physiologist and pathologist, who shall be chief of bureau, \$5,000"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$427,690"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$33,380"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$38,000"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$20,000"; 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 sum inserted by said amendment insert "\$75,000"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: After \$50,900, insert: "Provided, That of this amount \$10,000 may be used to investigate the diseases, cultivation, and acclimating of potatoes, and the development of improved and disease-resistant types thereof"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$1,944,305"; and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$2,667,995"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: Strike out the words "There shall be one" and insert in lieu thereof "One," so that it will read: "One Forester, who shall be chief of bureau, \$5,000"; and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: Strike out "fourteen," in line 3, and insert the word "thirteen"; 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 sum inserted by said amendment insert "\$2,239,500"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$100,000"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$140,000"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$25,000"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: Page 37, in lines 8, 9, and 10, strike out the words "That an additional 10 per cent of all moneys received from the national forests during the fiscal year ending June 30, 1913," and insert: "That hereafter an additional 10 per cent of all moneys received from the national forests during each fiscal year"; and the Senate agree to the same.

Amendment numbered 91: That the House recede from its disagreement to the amendment of the Senate numbered 91, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$3,160,119"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$5,399,679"; 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: Strike out the words "There shall be," so as to make it read: "One chemist, who shall be chief of bureau, \$5,000"; and the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$109,280"; 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 sum inserted by said amendment insert "\$1,058,140"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: Strike out the words "There shall be one," so it will read: "One soil physicist, who shall be chief of bureau, \$4,000"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$53,620"; and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$280,400"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$334,020"; and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: Strike out "There shall be," so it will read: "One entomologist, who shall be chief of bureau, \$4,500"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$60,960"; and the Senate agree to the same.



Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: Strike out the proposed amendment and insert "\$45,000"; 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: Strike out the proposed amendment and insert "\$45,000"; 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 sum inserted by said amendment insert "\$381,250"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$742,210"; and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows: Restore the words stricken out and add at the end thereof, "of which sum \$10,000 shall be immediately available"; and the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$29,990"; and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$141,000"; and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$170,990"; and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: Strike out the words "There shall be," so it will read: "One chief of division and disbursing clerk, who shall be administrative officer of the fiscal affairs of the department, \$4,000"; and the Senate agree to the same.

Amendment numbered 151: That the House recede from its disagreement to the amendment of the Senate numbered 151, and agree to the same with an amendment as follows: Strike out the words "There shall be one," so it will read: "One editor, who shall be chief of division, \$3,250"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$2,100"; and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: Strike out the word "five" and insert the word "eight"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$166,410"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$184,600" and the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: Strike out "There shall be," so it will read: "one statistician, who shall be chief of bureau, \$4,000"; and the Senate agree to the same.

Amendment numbered 183: That the House recede from its disagreement to the amendment of the Senate numbered 183, and agree to the same with an amendment as follows: Strike out the words "There shall be," so it will read: "one librarian, \$2,000"; and the Senate agree to the same.

Amendment numbered 196: That the House recede from its disagreement to the amendment of the Senate numbered 196, and agree to the same with an amendment as follows: Strike out the words "There shall be," so it will read: "One director, \$4,500"; and the Senate agree to the same.

Amendment numbered 197: That the House recede from its disagreement to the amendment of the Senate numbered 197, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$1,920"; and the Senate agree to the same.

Amendment numbered 199: That the House recede from its disagreement to the amendment of the Senate numbered 199, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$66,160"; and the Senate agree to the same.

Amendment numbered 201: That the House recede from its disagreement to the amendment of the Senate numbered 201, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$40,500"; and the Senate agree to the same.

Amendment numbered 206: That the House recede from its disagreement to the amendment of the Senate numbered 206, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$1,613,500"; and the Senate agree to the same.

Amendment numbered 214: That the House recede from its disagreement to the amendment of the Senate numbered 214, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$1,901,260"; and the Senate agree to the same.

Amendment numbered 217: That the House recede from its disagreement to the amendment of the Senate numbered 217, and agree to the same with an amendment as follows: Strike out the words "There shall be," so that it will read: "One director, who shall be a scientist and have charge of all scientific and technical work, \$4,000"; and the Senate agree to the same.

Amendment numbered 225: That the House recede from its disagreement to the amendment of the Senate numbered 225, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$105,000"; and the Senate agree to the same.

Amendment numbered 230: That the House recede from its disagreement to the amendment of the Senate numbered 230, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$232,000"; and the Senate agree to the same.

Amendment numbered 231: That the House recede from its disagreement to the amendment of the Senate numbered 231, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$279,400"; and the Senate agree to the same.

Amendment numbered 232: That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the sum inserted by said amendment insert "\$17,376,945"; and the Senate agree to the same.

Amendment numbered 234: That the House recede from its disagreement to the amendment of the Senate numbered 234, and agree to the same with an amendment as follows:

"To enable the Secretary of Agriculture to acquire and to diffuse among the people of the United States useful information on subjects connected with the marketing and distributing of farm products, and for the employment of persons and means necessary in the city of Washington and elsewhere, there is hereby appropriated the sum of \$50,000, and add the words 'of which sum \$10,000 shall be immediately available.'"

And the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: After the comma following the end of the parenthesis insert the words "and any amendments thereto"; and the Senate agree to the same.

Amendment numbered 238: That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: In lieu of the language used in said paragraph substitute the following:

"And hereafter every officer or employee of the Department of Agriculture whose rate of compensation is specified herein shall receive compensation at the rate so specified."

And the Senate agree to the same.

Amendment numbered 241: That the House recede from its disagreement to the amendment of the Senate numbered 241, and agree to the same with an amendment as follows: In lieu of "\$200,000" insert "\$75,000"; and strike out the words "to be

available until the end of the fiscal year 1915"; and the Senate agree to the same.

Amendment numbered 247: That the House recede from its disagreement to the amendment of the Senate numbered 247, and agree to the same with an amendment as follows: In lieu of the language in said amendment insert the following:

"That the President of the United States shall appoint a commission composed of not more than seven persons who shall serve without compensation to cooperate with the American commission assembled under the auspices of the Southern Commercial Congress to investigate and study in European countries cooperative land-mortgage banks, cooperative rural credit unions, and similar organizations and institutions devoting their attention to the promotion of agriculture and the betterment of rural conditions, and for the purpose of its investigations the commission shall be authorized to incur and have paid upon the certificate of its chairman such expenses in the city of Washington and elsewhere for the payment of the salaries of employees, clerks, stenographers, assistants and such other necessary expenses as the commission may deem necessary: *Provided*, That the total expenses incurred for all purposes shall not exceed the sum of \$25,000, and the said commission shall submit a report to Congress as early as practicable, embodying the results of its investigations and such recommendations as it may see fit to make."

And the Senate agree to the same.

Amendment numbered 248: That the House recede from its disagreement to the amendment of the Senate numbered 248, and agree to the same with an amendment as follows: In lieu of the sum inserted insert "\$17,986,945"; and the Senate agree to the same.

HENRY E. BURNHAM,  
F. E. WARREN,  
T. P. GORE,

*Managers on the part of the Senate.*

JOHN LAMB,  
A. F. LEVER,  
G. N. HAUGEN,

*Managers on the part of the House.*

Mr. BURNHAM. I ask that the report be printed in the RECORD and also as a Senate document.

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

DISTRICT OF COLUMBIA APPROPRIATION BILL (S. DOC. NO. 1132).

Mr. CURTIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 28499) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 19, 22, 23, 24, 27, 28, 30, 37, 39, 41, 42, 43, 58, 68, 80, 84, 86, 87, 101, 104, 105, 107, 110, 111, 115, 117, 119, 125, and 134.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 26, 31, 32, 36, 38, 40, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 85, 88, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 102, 103, 108, 109, 112, 113, 114, 116, 120, 121, 122, 123, 126, 127, 129, 130, and 133, and agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$42,180"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the words "and support" and insert in lieu thereof the following: ", for one year only"; and the Senate agree to the same.

Amendments numbered 33, 34, and 35: That the House recede from its disagreement to the amendments of the Senate numbered 33, 34, and 35, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"Hereafter materials for fireproof buildings, other structural materials, and all materials, other than materials for paving and for fuel, purchased for and to be used by the government of the District of Columbia, when necessary in the judgment

of the commissioners to be tested, shall be tested by the Bureau of Standards under the same conditions as similar testing is required to be done for the United States Government."

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 sum proposed insert "\$194,250"; 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: In lieu of the sum proposed insert "\$12,000"; 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: Add, after the sum "\$975,408" in said amendment, the following: ", which sum shall be paid out of funds and accounted for in accordance with the acts of Congress in relation thereto"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$18,060"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$3,530"; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$25,000"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 7. That hereafter no sign or advertisement relating to the sale, rent, or lease of land or premises shall be located on the sidewalk or parking of any street, avenue, or road in the District of Columbia. One painted or printed sign or advertisement for the sale, rent, or lease of lands or premises may, with the written consent of the owner or legal representative of the owner, be placed, by any one of not exceeding three real estate agents, on any lot, piece, or parcel of land abutting on a street, avenue, or road in said District, or attached to the exterior of any building fronting thereon. The Commissioners of the District of Columbia are authorized to use the police authority vested in them to require the removal of any sign or advertisement in violation of this provision, and to institute prosecutions in the police court of the District of Columbia against persons violating the provisions hereof, and every such person upon conviction of such violation shall be fined in the sum of not less than \$5 nor more than \$25."

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 matter inserted by said amendment insert the following:

"PUBLIC UTILITIES COMMISSION.

"SEC. 8. PAR. 1. That for the purpose of this section the term 'commission' when used herein shall mean the public-utilities commission of the District of Columbia created by this section.

"The term 'commissioner' when used in this section shall mean one of the members of such commission.

"The term 'public utility' as used in this section shall mean and embrace every street railroad, street railroad corporation, common carrier, gas plant, gas corporation, electric plant, electrical corporation, water power company, telephone corporation, telephone line, telegraph corporation, telegraph line, and pipe line company.

"The term 'service' is used in this section in its broadest and most inclusive sense.

"The term 'corporation' when used in this section includes a corporation, company, association, and joint-stock company or association.

"The word 'person' when used in this section includes an individual and a firm or copartnership.

"The term 'joint rates' when used in this section with reference to street railways shall be taken to mean rates between unrelated lines now in effect under existing law or under contract, or which may hereafter be specifically authorized by law.

"The term 'extension or extensions' when used in this section shall include the reasonable extension of the service and facilities of every street railroad, street railroad corporation, gas plant, gas corporation, electric plant, electrical corporation, telephone corporation, telephone line, telegraph line, and telegraph corporation as the same are defined in this section.

"The term 'street railroad' when used in this section includes every such railroad, whether wholly or partly in the District of Columbia, by whatsoever power operated, or any extension or extensions, branch or branches thereof, for public use in the conveyance of persons or property for compensation, and includes all equipment, construction, maintenance, repairs, switches, spurs, tracks, terminals, terminal facilities of every kind, trackage, joint or reciprocal trackage, transfers of passengers between street railways having connecting lines and street railways having independent lines, subways, tunnels, and stations, used, operated, or owned by or in connection with any such street railroad, and all the property of the same used in the conduct of its business.

"The term 'street railroad corporation' when used in this section includes every corporation, company, association, joint-stock company or association, partnership, and person doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any street railroad or any cars or other equipment used thereon or in connection therewith.

"The term 'common carrier' when used in this section includes express companies and every corporation, street railroad corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any agency or agencies for public use for the conveyance of persons or property within the District of Columbia for hire. Steam railroads, the Washington Terminal Co., and the Norfolk & Washington Steamboat Co., and all companies engaged in interstate traffic upon the Potomac River and Chesapeake Bay are excluded from the operation of this section, and are not included in the term 'common carrier.'

"The term 'gas plant' when used in this section includes all buildings, easements, real estate, mains, pipes, conduits, service pipes, services, pipe galleries, meters, boilers, water-gas sets, retorts, fixtures, condensers, scrubbers, purifiers, holders, materials, apparatus, personal property, and franchises, and property of every kind used in the conduct of the business operated, owned, controlled, used or to be used for or in connection with or to facilitate the manufacture, distribution, sale, or furnishing of gas (natural or manufactured) for light, heat, or power.

"The term 'gas corporation' when used in this section includes every corporation, company, association, joint-stock company or association, partnership, or person manufacturing, making, distributing, or selling gas for light, heat, or power, or for any public use whatsoever in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, and in said District owning, operating, controlling, or managing any gas plant, except where the gas is made or produced and distributed by the maker on or through private property solely for its own use or the use of its tenants and not for sale to or for the use of others.

"The term 'electric plant' when used in this section includes all engines, boilers, dynamos, generators, storage batteries, converters, motors, transformers, cables, wires, poles, lamps, meters, easements, real estate, fixtures, and personal property, materials, apparatus, and devices of every kind operated, owned, used or to be used for or in connection with or to facilitate the generation, transmission, distribution, sale, or furnishing of electricity for light, heat, or power, and any conduits, ducts, or other devices, materials, apparatus, or property for containing, holding, or carrying electrical conductors used or to be used wholly or in part for the transmission of electricity for light, heat, or power, except where electricity is made, generated, produced, or transmitted by a private person or private corporation on or through private property solely for its own use or the use of tenants of its building and not for sale to or for the use of others.

"The term 'electrical corporation' when used in this section includes every corporation, company, association, joint-stock company or association, partnership, or person doing business in the District of Columbia, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any electric plant, including any water plant, or water property, or water falls, or dam, or water-power stations, except where electricity is made, generated, produced, or transmitted by a private person or private corporation on or through private property solely for its own use or the use of

tenants of its building and not for sale to or for the use of others.

"The term 'water-power company' when used in this section includes every corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, managing, or controlling any plant or property, dam or water supply, canal, or power station for the development of water power for the generation of electrical current or other power or for the distribution or sale of such electrical current or other power.

"The term 'telephone corporation' when used in this section includes every corporation, company, association, joint-stock company or association, partnership, and persons, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any plant, wires, poles for the reception, transmission, or communication of messages by telephone, telephonic apparatus or instruments, or any telephone line or part of telephone line used in the conduct of the business of affording telephonic communication for hire, or which licenses, lets, or permits telephonic communication for hire.

"The term 'telephone line' when used in this section includes conduits, ducts, poles, wires, cables, cross arms, receivers, transmitters, instruments, machines, and appliances, and all devices, real estate, franchises, easements, apparatus, fixtures, property, appurtenances, and routes used, operated, controlled, or owned by any telephone corporation to facilitate the business of affording telephonic communication for hire, or which licenses, lets, or permits telephonic communication.

"The term 'telegraph corporation' when used in this section includes every corporation, company, association, joint-stock company or association, partnership, and person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, controlling, or managing any plant, wires, poles, or property for the purposes of communication, or of transmitting or receiving messages by telegraph, or by any telegraphic apparatus or instrument, or any telegraph line or part of telegraph line used in the conduct of the business of affording for hire communication by telegraph, or which licenses, lets, or permits telegraphic communication for hire.

"The term 'telegraph line' when used in this section includes conduits, ducts, poles, wires, cables, cross arms, instruments, machinery, appliances, and all devices, real estate, franchises, easements, apparatus, fixtures, property, and routes used, operated, controlled, or owned by any telegraph corporation to facilitate the business of affording communication by telegraph for hire.

"The term 'pipe-line company' when used in this section includes every corporation, company, association, joint-stock company or association, partnership, or person, their lessees, trustees, or receivers, appointed by any court whatsoever, owning, operating, managing, or controlling the supply of any liquid, steam, or air through pipes or tubing to consumers for use or for lighting, heating, or cooling purposes, or for power.

"This section shall apply to the transportation of passengers, freight, or property from one point to another within the District of Columbia, and any common carrier performing such service; and this section shall be so applicable and be so construed as to be free from conflict with those provisions of the Constitution of the United States and the laws in pursuance thereof relating to interstate commerce.

"Corporations formed to acquire property or to transact business which would be subject to the provisions of this section, and corporations possessing franchises for any of the purposes contemplated by this section shall be deemed to be subject to the provisions of this section, although no property may have been acquired, business transacted, or franchises exercised.

"PAR. 2. That every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful. Every public utility is hereby required to obey the lawful orders of the commission created by this section.

"PAR. 3. That every public utility doing business in the District of Columbia having tracks, conduits, subways, poles, wires, switchboards, exchanges, works, or other equipment shall, for a reasonable compensation, permit the use of the same by any other public utility whenever public convenience and necessity require such use, and such use will not result in irreparable injury to the owners or other users of such equipment; nor

in any substantial detriment to the service to be rendered by such owners or other users. In case of failure to agree upon such use, or the conditions or compensation for such use, any public utility or any person, firm, copartnership, association, or corporation interested may apply to the commission, and if after investigation the commission shall ascertain that public convenience and necessity require such use and that it would not result in irreparable injury to the owners or other users of such equipment nor in any substantial detriment to the service to be rendered by such owners or other users of such equipment, it shall by order direct that such use be permitted and prescribe the conditions and compensation for such joint use. Such use so ordered shall be permitted and such conditions and compensation so prescribed shall be the lawful conditions and compensation to be observed, followed, and paid, subject to recourse to the courts upon the complaint of any interested party, as hereinafter provided, which provisions, so far as applicable, shall apply to any action arising on such complaint so made. Any such order of the commission may be from time to time revised by the commission upon application of any interested party or upon its own motion after hearing and notice by order in writing.

"PAR. 4. That the commission shall have power, after hearing and notice by order in writing, to require and compel every public utility to comply with the provisions of this section and with all other laws of the United States applicable, and any municipal ordinance or regulation relating to said public utility, and to conform to the duties upon it thereby imposed or by the provisions of its own charter, of any charter has or shall be granted it: *Provided*, That nothing herein contained shall be held to relieve any public utility, its officers, agents, or servants, from any punishment, fine, forfeiture, or penalty for violation of any such law, ordinance, regulation, or duty imposed by its charter, nor to limit, take away, or restrict the jurisdiction of any court or other authority which now has or which may hereafter have power to impose any such punishment, fine, forfeiture, or penalty.

"PAR. 5. That whenever any public utility or person shall propose any change in any law relating directly or indirectly to the property or operations of any public utility the said proposed change shall also and at the same time be submitted to the commission, which may take testimony and give a public hearing thereon, and the commission shall recommend such bills as will in its judgment protect the interests of the public and such public utility and transmit the same to the proper committees of the Senate and House of Representatives.

"PAR. 6. That the commission shall ascertain, as soon and as nearly as practicable, the amount of money expended in the construction and equipment of every public utility, including the amount of money expended to procure any right of way; also the amount of money it would require to secure the right of way, reconstruct any roadbed, track, depots, cars, conduits, subways, poles, wires, switchboards, exchanges, offices, works, storage plants, power plants, machinery, and any other property or instrument not included in the foregoing enumeration used in or useful to the business of such public utility, and to replace all the physical properties belonging to the public utility. It shall ascertain the outstanding stock, bonds, debentures, and indebtedness, and the amount, respectively, thereof, the date when issued, to whom issued, to whom sold, the price paid in cash, property, or labor therefor, what disposition was made of the proceeds, by whom the indebtedness is held, so far as ascertainable, the amount purporting to be due thereon, the floating indebtedness of the public utility, the credits due the public utility, other property on hand belonging to it, the judicial or other sales of said public utility, its property or franchises, and the amounts purporting to have been paid, and in what manner paid therefor, and the taxes paid thereon. The commission shall also ascertain in detail the gross and net income of the public utility from all sources, the amounts paid for salaries to officers and the wages paid to its employees, and the maximum hours of continuous service required of each class. Whenever the information required by this paragraph is obtained it shall be printed in the annual report of the commission. In making such investigation the commission may avail itself of any information in possession of any department of the Government of the United States or of the Commissioners of the District of Columbia.

"PAR. 7. That the commission shall value the property of every public utility within the District of Columbia actually used and useful for the convenience of the public at the fair value thereof at the time of said valuation.

"PAR. 8. That before final determination of such value the commission shall, after notice of not less than 30 days to the public utility, hold a public hearing as to such valuation in the

manner hereinafter provided for a hearing, which provisions, so far as applicable, shall apply to such hearing. The commission shall, within 10 days after such valuation is determined, serve a statement thereof upon the public utility interested, and shall file a like statement with the District Committees in Congress.

"PAR. 9. That the commission may at any time, on its own initiative, make a revaluation of the property of any public utility.

"PAR. 10. That every public utility shall keep and render to the commission, in the manner and form prescribed by the commission, uniform accounts of all business transacted. Every public utility engaged directly or indirectly in any other business than that of the conduct of a street railway, or the production, transmission, or furnishing of heat, light, water, or power, or the conveyance of telegraph or telephone messages, shall, if required by the commission, keep and render separately to the commission in like manner and form the accounts of all such other business, in which case all the provisions of this section shall apply with like force and effect to the books, accounts, papers, and records of such other business.

"PAR. 11. That the commission shall prescribe the forms of all books, accounts, papers, and records required to be kept, and every public utility is required to keep and render its books, accounts, papers, and records accurately and faithfully in the manner and form prescribed by the commission, and to comply with all directions of the commission relating to such books, accounts, papers, and records. In so far as practicable for the purposes of this section, the form prescribed shall be the form accepted by the Interstate Commerce Commission.

"PAR. 12. That the commission shall cause to be prepared suitable blanks for carrying out the purposes of this section, and shall when necessary furnish such blanks to each public utility.

"PAR. 13. That each public utility shall have an office within the District of Columbia in which it shall keep all such books, accounts, papers, and records as shall be required by the commission to be kept within the District of Columbia. No books, accounts, papers, or records required by the commission to be kept within the District of Columbia shall be at any time removed from the District of Columbia, except upon such condition as may be prescribed by the commission: *Provided*, That public utilities operating in the District of Columbia and elsewhere who have their general or executive offices outside of the District, may continue to keep their books, accounts, records, and so forth, at their executive or general offices, such public utilities being required, however, to produce before the commission such books, accounts, records, and papers from time to time as the commission may order.

"PAR. 14. That the accounts shall be closed annually on the 31st day of December and a balance sheet of that date promptly taken therefrom. On or before the 1st day of February following such balance sheet, together with such other information as the commission shall prescribe, verified by an owner or officer of the public utility, shall be filed with the commission, and a copy thereof transmitted to Congress.

"PAR. 15. That the commission shall provide for the examination and audit of all accounts, and all items shall be allocated to the accounts in the manner prescribed by the commission. The agents, accountants, or examiners employed by the commission shall have authority, under the direction of the commission, to inspect and examine any and all books, accounts, papers, records, and memoranda kept by such public utilities.

"PAR. 16. That every public utility shall carry a proper and adequate depreciation account. The commission shall ascertain and determine what are the proper and adequate rates of depreciation of the several classes of property of each public utility. These rates shall be such as will provide the amounts required over and above the expense of maintenance to keep such property in a state of efficiency corresponding to the progress of the industry. Each public utility shall conform its depreciation accounts to such rates so ascertained and determined by the commission. The commission may make changes in such rates of depreciation from time to time as it may find to be necessary. The commission shall also prescribe rules, regulations, and forms of accounts regarding such depreciation which the public utility is required to carry into effect. The commission shall provide for such depreciation in fixing the rates, tolls, and charges to be paid by the public. All moneys in this fund may be expended in keeping the property of such public utility in repair and good and serviceable condition for the use to which it is devoted, or invested, and, if invested, the income from the investments shall also be carried in the depreciation fund. This fund and the proceeds thereof shall be used for no other

purpose than as provided in this paragraph, unless with the consent and by order of the commission.

"PAR. 17. That the commission shall keep itself informed of all new construction, extensions, and additions to the property of all public utilities, and shall prescribe the necessary forms, regulations, and instructions to the officers and employees of all public utilities for the keeping of construction accounts, which shall clearly distinguish all operating expenses and new construction.

"PAR. 18. That nothing in this section shall be taken to prohibit a public utility, with the consent of the commission, from providing a sliding scale of rates and dividends according to what is commonly known as the Boston sliding scale, or other financial device that may be practicable and advantageous to the parties interested. No such arrangement or device shall be lawful until it shall be found by the commission, after investigation, to be reasonable and just and not inconsistent with the purposes of this section. Such arrangement shall be under the supervision and regulation of the commission. The commission shall ascertain, determine, and order such rates, charges, and regulations, and the duration thereof, as may be necessary to give effect to such arrangement, but the right and power to make such other and further changes in rates, charges, and regulations as the commission may ascertain and determine to be necessary and reasonable, and the right to alter or amend all orders relative thereto, is reserved and vested in the commission notwithstanding any such arrangement and mutual agreement.

"PAR. 19. That each public utility shall furnish to the commission in such form and at such times as the commission shall require, such accounts, reports, and information as shall show in itemized detail: Depreciation; salaries and wages; legal expenses; taxes and rentals; quantity and value of material used; receipts from residuals, by-products, services, or other sales; total and net costs; net and gross profits; dividends and interest; surplus or reserve; prices paid by consumers; and in addition such other items, whether of a nature similar to those hereinbefore enumerated or otherwise, as the commission may prescribe, in order to show completely and in detail the entire operation of the public utility in furnishing its product or service to the public.

"PAR. 20. That the commission shall publish annual reports showing its proceedings relating to all the public utilities of each kind in the District of Columbia, and such other occasional reports as it may deem advisable. The commission shall also publish in its annual reports the value of all property actually used and useful for the convenience of the public, of every public utility as to whose rates, charges, service, or regulations any hearing has been held by the commission or the value of whose property has been ascertained by it under the provisions of this section.

"PAR. 21. That the commission shall ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage, or other condition pertaining to the supply of the product or service rendered by any public utility, and prescribe reasonable regulations for examining and testing such product or service and for the measurement thereof. It shall establish reasonable rules, regulations, specifications, and standards to secure the accuracy of all meters and appliances for measurements and every public utility is required to carry into effect all orders issued by the commission relative thereto.

"PAR. 22. That the commission shall provide for the examination and testing of any and all appliances used for the measuring of any product or service of a public utility. Any consumer or user may have any such appliance tested upon payment of the fees fixed by the commission. The commission shall declare and establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage of the consumer or user.

"PAR. 23. That the commission may purchase such materials, apparatus, and standard measuring instruments for such examination and tests as it may deem necessary. The commission, its agents, experts, or examiners, shall have power to enter upon any premises occupied by any public utility for the purpose of making the examinations and tests provided for in this section, and to set up and use on such premises any apparatus and appliances and occupy reasonable space therefor.

"PAR. 24. That every public utility shall file with the commission, within a time to be fixed by the commission, schedules, which shall be open to public inspection, showing all rates, tolls, and charges which it has established and which are in

force at the time for any service performed by it within the District of Columbia, or for any service in connection therewith or performed by any public utility controlled or operated by it. The rates, tolls, and charges shown on such schedules shall not exceed the rates, tolls, and charges now allowed by law, and shall be the lawful rates, tolls, and charges within the District of Columbia, and shall remain and be in force until set aside by the commission.

"PAR. 25. That every public utility shall file with and as a part of such schedule all rules and regulations that in any manner affect the rates charged or to be charged for any service.

"PAR. 26. That a copy of so much of said schedules as the commission shall deem necessary for the use of the public shall be printed in plain type and kept on file in every station and office of such public utility where payments are made by the consumers or users, open to the public, in such form and place as to be readily accessible to the public and so as to be conveniently inspected.

"PAR. 27. That where a schedule of joint rates or charges is, or may be, in force between two or more public utilities, such schedule shall in like manner be printed and filed with the commission, and so much thereof as the commission shall deem necessary for the use of the public shall be filed in such station or office, as provided in the preceding paragraph.

"PAR. 28. That no change shall thereafter be made in any schedule, including schedules of joint rates, except upon ten days' notice to the commission, and all such changes shall be plainly indicated upon existing schedules, or by filing new schedules in lieu thereof ten days prior to the time the same are to take effect: *Provided*, That the commission, upon application of any public utility, may prescribe a less time within which a reduction may be made.

"PAR. 29. That copies of all new schedules shall be filed, as hereinbefore provided, in every station and office of such public utility where payments are made by consumers or users 10 days prior to the time the same are to take effect, unless the commission shall prescribe a less time.

"PAR. 30. That it shall be unlawful for any public utility to charge, demand, collect, or receive a greater or less compensation for any service performed by it within the District of Columbia, or for any service in connection therewith, that is specified in such printed schedules, including schedules of joint rates, as may at the time be in force, or to demand, collect, or receive any rate, toll, or charge not specified in such schedules. The rates, tolls, and charges named therein shall be the lawful rates, tolls, and charges until the same are changed as provided in this section.

"PAR. 31. That the commission may prescribe such changes in the form in which the schedules are issued by any public utility as may be found to be expedient.

"PAR. 32. That the commission shall have power to adopt reasonable and proper rules and regulations relative to all inspections, tests, audits, and investigations, and to adopt and publish reasonable and proper rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings of public utilities and other parties before it.

"PAR. 33. That the commission shall keep itself informed as to the manner and method in which the business of all public utilities is conducted, and shall have the right to obtain from any public utility all necessary information to enable the commission to perform its duties.

"PAR. 34. That the commission or any commissioner or any person or persons employed by the commission for that purpose shall, upon demand, have the right to inspect the books, accounts, papers, records, and memoranda of any public utility, and to examine, under oath, any officer, agent, or employee of such public utility in relation to its business and affairs. Any person other than one of said commissioners who shall make such demand shall produce his authority to make such inspection or examination.

"PAR. 35. That the commission may require, by order or subpoena, to be served upon any public utility in the same manner that a summons is served in a civil action in the Supreme Court of the District of Columbia, the production within the District of Columbia at such time and place as it may designate of any books, accounts, papers, or records kept by such public utility in any office or place without the District of Columbia, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission under its direction. Any public utility failing or refusing to comply with any order or subpoena shall for each day it shall so fail or refuse forfeit and pay to the District of Columbia the sum of \$100, to be recovered in an action to be brought in the name of said District.

"Attendance of witnesses and the production of such documentary evidence may be required from any place in the United States. And in case of disobedience to a subpoena the commission, or any party to a proceeding before the commission, may invoke the aid of any court of the United States or the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of books, papers, and documents under the provisions of this section. And the said commission is hereby given power to call on any district attorney of the United States, the corporation counsel of the District of Columbia, or any counsel of the commission to enforce the provisions of this section in the proper courts of the United States, and on such call it shall be the duty of the said district attorney, corporation counsel, or any counsel of the commission, upon request of said commission, to enforce the provisions of this paragraph, the costs and expenses incurred to be paid out of the appropriations for the expenses of the courts of the United States.

"PAR. 36. That for the purpose of making any investigation with regard to any public utility the commission shall have power to appoint, by an order in writing, an agent, whose duties shall be prescribed in such order. In the discharge of his duties such agent shall have every power whatsoever of an inquisitorial nature granted in this section to the commission and shall have power to administer oaths and take depositions. The commission may conduct any number of such investigations contemporaneously through different agents, and may delegate to such agent or agents the taking of all testimony bearing upon any investigation or hearing. The decision of the commission shall be based upon its examination of all testimony and records. The recommendations made by such agents shall be advisory only and shall not preclude the taking of further testimony, if the commission so order, nor further investigation.

"PAR. 37. That every public utility shall furnish to the commission all information required by it to carry into effect the provisions of this section, and shall make specific answers to all specific questions submitted by the commission. Any public utility receiving from the commission any blanks with directions to fill the same shall cause the same to be properly filled out so as to answer, fully and correctly, each question therein propounded, and in case it is unable to answer any question it shall give a good and sufficient reason for such failure; and said answer shall be verified under oath by the president, secretary, superintendent, or general manager of such public utility, and returned to the commission at its office within the period fixed by the commission. Whenever required by the commission, every public utility shall deliver to the commission any or all maps, profiles, contracts, reports of engineers, and all documents, books, accounts, papers, and records, or copies of any or all of the same, with a complete inventory of all its property, in such form as the commission may direct.

"PAR. 38. That upon its own initiative or upon reasonable complaint made against any public utility that any of the rates, tolls, charges, or schedules, or services, or time and conditions of payment, or any joint rate or rates, schedules, or services, are in any respect unreasonable or unjustly discriminatory, or that any time schedule, regulation, or act whatsoever affecting or relating to the conduct of any street railway or common carrier, or the production, transmission, delivery, or furnishing of heat, light, water, or power, or any service in connection therewith, or the conveyance of any telegraph or telephone message, or any service in connection therewith, is in any respect unreasonable, insufficient, or unjustly discriminatory, or that any service is inadequate or can not be obtained, the commission may, in its discretion, proceed, with or without notice, to make such investigation as it may deem necessary or convenient. But no order affecting said rates, tolls, charges, schedules, regulations, or act complained of shall be entered by the commission without a formal hearing.

"PAR. 39. That the commission shall prior to such formal hearing notify the public utility complained of that a complaint has been made, and 10 days after such notice has been given the commission may proceed to set a time and place for a hearing and an investigation as hereinafter provided.

"PAR. 40. That the commission shall give the public utility and the complainant, if any, 10 days' notice of the time and place when and where such hearing and investigation will be held and such matters considered and determined. Both the public utility and complainant shall be entitled to be heard and shall have process to enforce the attendance of witnesses.

"PAR. 41. That if upon such investigation the rates, tolls, charges, schedules, or joint rates shall be found to be unjust, unreasonable, insufficient, or unjustly discriminatory, or to be preferential or otherwise in violation of any of the provisions of this section, the commission shall have power to determine

and by order fix and order to be substituted therefor such rate or rates, tolls, charges, or schedules as shall be just and reasonable. If upon such investigation it shall be found that any regulation, time schedule, act, or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory, or otherwise in violation of any of the provisions of this section, or if it be found that reasonable service is not supplied, the commission shall have power to determine and substitute therefor such other regulations, time schedules, service, or acts and to make such orders respecting and such changes in such regulations, time schedules, service, or acts as shall be just and reasonable. And upon any investigation for the purpose of determining upon and requiring any reasonable extension or extensions of lines or of service that shall promise to be compensatory within a reasonable time, the commission shall have power to fix, determine, and require every such extension or extensions to be made and the terms and conditions upon which the same shall be made: *Provided*, That no hearing shall be had and no order shall be made respecting such extension or extensions without notice to the public utility affected thereby, as provided in paragraph 40 of this section.

"PAR. 42. That if upon investigation it shall be found that any rate, toll, charge, schedule, or joint rate, or rates, is unjust, unreasonable, insufficient, or unjustly discriminatory or preferential, or otherwise in violation of any of the provisions of this section, or that any time schedule, regulation, act, or service complained of is unjust, unreasonable, insufficient, preferential, or otherwise in violation of any of the provisions of this section, or if it be found that reasonable service is not supplied, the public utility found to be at fault shall pay the expenses incurred by the commission upon such investigation.

"PAR. 43. That the commission may, in its discretion, when complaint is made of more than one rate or charge, order separate hearings thereon, and may consider and determine the several matters complained of separately and at such times as it may prescribe. No complaint shall of necessity at any time be dismissed because of the absence of direct damage to the complainant.

"PAR. 44. That whenever the commission shall believe that any rate or charge may be unreasonable or unjustly discriminatory, or that any reasonable service is not supplied, or that an investigation of any matter relating to any public utility should for any reason be made, it may, on its own motion, summarily investigate the same with or without notice.

"PAR. 45. That if after making such investigation the commission becomes satisfied that sufficient grounds exist to warrant a formal hearing being ordered as to the matters so investigated, it shall furnish such public utility interested a statement notifying the public utility of the matters under investigation. Ten days after such notice has been given the commission may proceed to set a time and place for a hearing and an investigation as hereinbefore provided.

"PAR. 46. That notice of the time and place for such hearing shall be given to the public utility and to such other interested persons as the commission shall deem necessary, as provided in paragraph 40 of this section, and thereafter proceedings shall be had and conducted in reference to the matter investigated in like manner as though complaint had been filed with the commission relative to the matter investigated, and the same order or orders may be made in reference thereto as if such investigation had been made on complaint.

"PAR. 47. That any public utility may make complaint as to any matter affecting its own product or service with like effect as though made by the commission or upon reasonable complaint as hereinbefore provided.

"PAR. 48. That each of the commissioners and every agent provided for in paragraph 36 of this section for the purposes mentioned in this section shall have power to administer oaths, certify to official acts, issue subpoenas, compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony. In case of disobedience on the part of any person or persons to comply with any order of the commission or any commissioner, or any subpoena, or on the refusal of any witness to testify to any matter regarding which he may be interrogated before the commission or its agents authorized, it shall be the duty of the Supreme Court of the District of Columbia, or a judge thereof, on application of a commissioner, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein.

"PAR. 49. That each witness who shall appear before the commission or its agent by its order shall receive for his attendance the fees and mileage now provided for witnesses in the Supreme Court of the District of Columbia, which shall be audited and

paid in the same manner as fees in criminal cases within the District of Columbia are audited and paid, upon the presentation of proper vouchers, sworn to by such witnesses and approved by the chairman of the commission. No witnesses subpoenaed at the instance of parties other than the commission shall be entitled to compensation for attendance or travel unless the commission shall certify that his testimony was material to the matter investigated, and that his attendance as a witness was reasonably necessary.

"PAR. 50. That the commission or any party may, in any investigation, cause the depositions of witnesses residing within or without the District of Columbia to be taken in the manner prescribed by law for like depositions in civil actions in circuit courts.

"PAR. 51. That a full and complete record shall be kept of all proceedings had before the commission or its agents on any formal investigation had, and all testimony shall be taken down by a stenographer appointed by the commission.

"PAR. 52. That whenever any complaint is served upon the commission under the provisions of this section the commission shall, before said action is reached for trial, cause a certified transcript of all proceedings had and testimony taken upon such investigation to be filed with the clerk of the Supreme Court of the District of Columbia.

"PAR. 53. That a transcribed copy of the evidence and proceedings, or any specific part thereof, in any investigation taken by a stenographer appointed by the commission, being certified by such stenographer to be a true and correct transcript of all the testimony in the investigation or of a particular witness, or of other specific part thereof, carefully compared by him with his original notes, and to be a correct statement of the evidence and proceedings had in such investigation so purporting to be taken and transcribed, shall be received in evidence with the same effect as if such reporter were present and testified to the fact so certified. A copy of such transcript shall be furnished on demand, free of cost, to any party to such investigation.

"PAR. 54. That no franchise nor any right to or under any franchise to own or operate any public utility as defined in this section or to use the tracks of any street railroad shall be assigned, transferred, or leased, nor shall any contract or agreement with reference to or affecting any such franchise or right be valid or of any force or effect whatsoever unless the assignment, transfer, lease, contract, or agreement shall have been approved by the commission in writing. The permission and approval of the commission to the assignment, transfer, or lease of a franchise under this paragraph shall not be construed to revive or validate any lapsed or invalid franchise or to enlarge or add to the powers and privileges contained in the grant of any franchise or to waive any forfeiture. It shall be unlawful for any street railroad corporation, gas corporation, electric corporation, telephone corporation, telegraph corporation, or other public utility corporation, directly or indirectly, to acquire the stock or bonds of any other corporation incorporated for or engaged in the same or similar business as it is, unless authorized in writing to do so by the commission, and every contract, transfer, agreement for transfer, or assignment of any such stock or bonds without such written authority shall be void and of no effect.

"PAR. 55. That the commission shall, within its jurisdiction—

"Have general supervision of all gas corporations and electrical corporations having authority under any general or special law or under any charter or franchise to lay down, erect, or maintain wires, pipes, conduits, ducts, or other fixtures in, over, or under the streets, highways, and public places in the District of Columbia for the purpose of furnishing or distributing gas or of furnishing or transmitting electricity for light, heat, or power, or maintaining underground conduits or ducts for electrical conductors, and all gas plants and electric plants owned, leased, or operated by any corporation.

"Investigate and ascertain, from time to time, the quality and quantity of gas supplied by persons or corporations; examine or investigate the methods employed by such persons and corporations in manufacturing, distributing, and supplying gas or electricity for light, heat, or power, and in transmitting the same, and have power to order such reasonable improvements as will reasonably promote the public interest, preserve the public health, and protect those using such gas or electricity and those employed in the manufacture and distribution thereof or in the manufacture and operation of the works, wires, poles, lines, conduits, ducts, and systems connected therewith, and have power to order reasonable improvements and extensions of the works, wires, poles, lines, conduits, ducts, and other reasonable devices, apparatus, and property of gas corporations and electrical corporations.

"Have power by order to fix from time to time standards for determining the purity or the measurement of the illuminating power of gas to be manufactured, distributed, or sold by persons or corporations for lighting, heating, or power purposes, and to prescribe from time to time the efficiency of the electric supply system, of the current supplied, and of the lamps furnished by the persons or corporations generating and selling electric current, and by order to require the gas so manufactured, distributed, or sold to equal the standards so fixed by it, and to prescribe from time to time the reasonable minimum and maximum pressure at which gas shall be delivered by said persons or corporations. For the purpose of determining whether the gas manufactured, distributed, or sold by such persons or corporations for lighting, heating, or power purposes conforms to the standards of illuminating power, purity, and pressure, and for the purpose of determining whether the efficiency of the electric supply system, of the current supplied, and of the lamps furnished conforms to the orders issued by the commission, the commission shall have power, of its own motion, to examine and investigate the plants and methods employed in manufacturing, delivering, and supplying gas or electricity, and shall have access, through its members or persons employed and authorized by it to make such examinations and investigations, to all parts of the manufacturing plants owned, used, or operated for the manufacture, transmission, or distribution of gas or electricity by any such persons or corporation. Any employee or agent of the commission who divulges any fact or information which may come to his knowledge during the course of any such inspection or examination, except in so far as he may be directed by the commission, or by a court or judge thereof, or authorized by law, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$50 nor more than \$500 for each offense.

"PAR. 56. That no gas corporation or electrical corporation shall begin the construction of a gas plant or electric plant without first having obtained the permission and approval of the commission.

"PAR. 57. That the commission shall appoint inspectors of gas meters, whose duty it shall be, when required by the commission, to inspect, examine, prove, and ascertain the accuracy of any and all gas meters used or intended to be used for measuring or ascertaining the quantity of gas for light, heat, or power furnished by any person or corporation to or for the use of any person or corporation, and when found to be or made to be correct, the inspector shall seal all such meters and each of them with some suitable device, which device shall be recorded in the office of the commission.

"No corporation or person shall furnish, set, or put in use any gas meter which shall not have been inspected, proved, and sealed by an inspector of the commission.

"The commission shall appoint inspectors of electric meters, whose duty it shall be, when required by the commission, to inspect, examine, and ascertain the accuracy of any and all electric meters used or intended to be used for measuring and ascertaining the quantity of electric current furnished for light, heat, or power by any person or corporation to or for the use of any person or corporation, and to inspect, examine, and ascertain the accuracy of all apparatus for testing and proving the accuracy of electric meters; and when found to be or made to be correct the inspector shall stamp or mark all such meters and apparatus with some suitable device, which device shall be recorded in the office of the commission. No corporation or person shall furnish, set, or put in use any electric meter the type of which shall not have been approved by the commission or any meter not approved by an inspector of the commission.

"Every gas corporation and electrical corporation shall provide, repair, and maintain such suitable premises and apparatus and facilities as may be required and approved by the commission for testing and proving the accuracy of gas and electric meters furnished for use by it, and by which apparatus every meter may be tested.

"If any consumer to whom a meter has been furnished shall request the commission, in writing, to inspect such meter, the commission shall have the same inspected and tested; if the same, on being so tested, shall be found to be more than 4 per cent, if an electric meter, or more than 2 per cent, if a gas meter, defective or incorrect to the prejudice of the consumer, the inspector shall order the gas or electrical corporation forthwith to remove the same and to place instead a correct meter, and the expense of such inspection and test shall be borne by the corporation; if the same, on being so tested, shall be found to be correct, the expense of such inspection and test shall be borne by the consumer.

"The commission shall prescribe such rules and regulations to carry into effect the provisions of this paragraph as it may deem necessary, and shall fix uniform reasonable charges for the inspection and testing of meters upon complaint.

"PAR. 58. That if it be alleged and established in an action brought in any court for the collection of any charge for gas or electricity that a price has been demanded in excess of that fixed by the commission or by statute no recovery shall be had therein, but the fact that such excessive charges have been made shall be a complete defense to such action.

"PAR. 59. That the appointment and power to remove the inspector of gas and meters and assistant inspectors of gas and meters from office is hereby vested in the commission. All the powers and duties of such inspectors conferred and imposed by statute shall be exercised and performed under the supervision and control of the commission: *Provided*, That the salaries of the inspector of gas and meters and every assistant inspector of gas and meters shall continue to be paid as heretofore and as now provided by act of Congress.

"PAR. 60. That the inspector of gas and meters now provided for by law shall transfer and deliver to the commission all books, maps, papers, records, apparatus, and the property of whatsoever description in his possession, and said commission is authorized to take possession of all books, maps, papers, records, apparatus, and property of whatsoever description.

"PAR. 61. That all public utilities to which an order of the commission applies shall make such changes in their schedules on file as may be necessary to make the same conform to said order, and no change shall thereafter be made by any public utility in any such rates, tolls, or charges, or in any joint rate or rates, without the approval of the commission. Certified copies of all other orders of the commission shall be delivered to the public utility affected thereby in like manner, and the same shall take effect within such reasonable time thereafter as the commission shall prescribe.

"PAR. 62. That the commission may, at any time, upon notice to the public utility and after opportunity to be heard as provided in paragraph 40 of this section, rescind, alter, or amend any order fixing any rate or rates, tolls, charges, or schedules, or any other order made by the commission, and certified copies of the same shall be served and take effect as herein provided for original orders.

"PAR. 63. That all rates, tolls, charges, time and condition of payment thereof, schedules, and joint rates fixed by the commission shall be in force and shall be prima facie reasonable until finally found otherwise in an action brought for that purpose.

"PAR. 64. That if at any time the commission shall be in doubt of the elements of value to be by them considered in arriving at the true valuation under the provisions of this section, they are authorized and empowered to institute a proceeding in equity in the Supreme Court of the District of Columbia petitioning said court to instruct them as to the element or elements of value to be by them considered as aforesaid, and the particular utility under valuation at the time shall be made party defendant in said action.

"That any public utility and any person or corporation interested being dissatisfied with any order or decision of the commission fixing any valuation, rate or rates, tolls, charges, schedules, joint rate or rates, or regulation, requirement, act, service or other thing complained of, may commence a proceeding in equity in the Supreme Court of the District of Columbia against the commission, as defendants, to vacate, set aside, or modify any such decision or order on the ground that the valuation, rate or rates, tolls, charges, schedules, joint rate or rates or regulation, requirement, act, service, or other thing complained of fixed in such order is unlawful, inadequate, or unreasonable. The answer of the commission, on any such action being instituted against it, or the answer of any public utility on any such action being commenced by said commission against it, shall be filed within 10 days, whereupon said proceeding shall be at issue and stand ready for trial.

"All such proceedings shall have precedence over any civil cause of a different nature pending in such court, and the Supreme Court of the District of Columbia shall always be deemed open for the trial thereof, and the same shall be tried and determined as are equity proceedings in said court. Any party, including said commission, may appeal from the order or decree of said court to the Court of Appeals of the District of Columbia, and therefrom to the Supreme Court of the United States, which shall thereupon have and take jurisdiction in every such appeal. Pending the decision of said appeal the commission may suspend the decision or order appealed from for such a period as it may deem fair and reasonable under the circumstances: *Provided*, That no appeal, unless the court or the commission shall so order, shall operate to stay any

order of the commission: *And provided further*, That said commission shall not, nor shall any of its members, officers, agents, or employees, be taxed with any costs, nor shall they or any of them be required to give any supersedeas bond or security for costs or damages on any appeal whatsoever. Said commission, or any of its members, officers, agents, or employees, shall not be liable to suit or action or for any judgment or decree for any damages, loss, or injury claimed by any public utility or person, nor required in any case to make any deposit for costs or pay for any service to the clerks of any court or to the marshal of the United States.

"PAR. 65. That every proceeding, action, or suit to set aside, vacate, or amend any determination or order of the commission, or to enjoin the enforcement thereof, or to prevent in any way such order or determination from becoming effective, shall be commenced, and every appeal to the courts or right of recourse to the courts shall be taken or exercised, within 120 days after the entry or rendition of such order or determination, and the right to commence any such action, proceeding, or suit, or to take or exercise any such appeal or right of recourse to the courts, shall terminate absolutely at the end of such 120 days.

"PAR. 66. That no injunction shall issue suspending or staying any order of the commission, except upon application to the Supreme Court of the District of Columbia or a judge thereof, and only upon notice to the commission and after hearing had.

"PAR. 67. That if upon trial of such proceeding or suit evidence shall be introduced by the plaintiff which is found by the court to be different from that offered upon the hearing before the commission or its authorized agent, or additional thereto, the court, before proceeding to render judgment, unless the parties to such action stipulate in writing to the contrary, shall transmit a copy of such evidence to the commission, and shall stay further proceedings in said proceeding for 15 days from the date of such transmission. Upon the receipt of such evidence the commission shall consider the same and may alter, modify, amend, or rescind its order relating to such valuation, rate or rates, tolls, charges, schedules, joint rate or rates, time schedules, regulations, act, or service complained of in said action, and shall report its action thereon to said court within 10 days from receipt of such evidence.

"PAR. 68. That if the commission shall rescind its order complained of the proceeding or suit shall be dismissed; if it shall alter, modify, or amend the same, such altered, modified, or amended order shall take the place of the original order complained of and judgment shall be rendered thereon as though made by the commission in the first instance. If the original order shall not be rescinded or changed by the commission, judgment shall be rendered upon such original order, and costs shall be taxed as may be deemed proper under the circumstances.

"PAR. 69. That in all trials, actions, and proceedings arising under the provisions of this section or growing out of the exercise of the authority and powers granted herein to the commission, the burden of proof shall be upon the party adverse to such commission or seeking to set aside any determination, requirement, direction, or order of said commission to show by clear and satisfactory evidence that the determination, requirement, direction, or order of the commission complained of is inadequate, unreasonable, or unlawful, as the case may be.

"PAR. 70. That no person shall be excused from testifying or from producing books, accounts, and papers in any proceeding based upon or growing out of any violation of the provisions of this section, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to penalty or forfeiture; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may have testified or produced any documentary evidence: *Provided*, That no person so testifying shall be exempted from prosecution or punishment for perjury: *Provided further*, That the immunity hereby conferred shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath.

"PAR. 71. That upon application of any person the commission shall furnish certified copies, under the seal of the commission, of any order made by it, which shall be prima facie evidence of the facts stated therein.

"PAR. 72. That the power to create liens on corporate property by public utilities in the District of Columbia is hereby declared to be a special privilege, the right of supervision, regulation, restriction, and control of which is hereby vested in the public utilities commission of the District of Columbia, and such power shall be exercised according to the provisions of this section.



"PAR. 73. That no public utility shall hereafter issue any stocks, stock certificates, bonds, mortgages, or any other evidences of indebtedness payable in more than one year from date, until it shall have first obtained the certificate of the commission showing authority for such issue from the commission.

"PAR. 74. That no public utility shall issue any stocks, certificates of stock, bonds, or other evidences of indebtedness for money, property, or services, either directly or indirectly, nor shall it receive any money, property, or services in payment of the same, either directly or indirectly, until there shall have been recorded upon the books of such public utility the certificate of the commission in this section provided for.

"PAR. 75. That no public utility shall declare any stock, bond, or scrip dividend or divide the proceeds of the sale of any stock, bond, or scrip among its stockholders.

"PAR. 76. That no public utility shall issue any stocks, certificates of stock, bonds, or other evidences of indebtedness secured on its property in the District of Columbia for the purpose of any reorganization or consolidation in excess of the total amount of the stocks, certificates of stock, bonds, or other evidences of indebtedness then outstanding against the public utilities so reorganizing or consolidating, and no such public utility shall purchase the property of any other public utility for the purpose of effecting a consolidation until the commission shall have determined and set forth in writing that said consolidation will be in the public interest, nor until the commission shall have approved in writing the terms upon which said consolidation shall be made.

"PAR. 77. That no public utility shall apply the proceeds of any such stock, certificates of stock, bonds, or other evidences of indebtedness to any other purpose or issue the same on any less favorable terms than that specified in the certificate issued by the commission.

"PAR. 78. That all stocks, certificates of stock, bonds, and other evidences of indebtedness issued contrary to the provisions of this section shall be void.

"PAR. 79. That any public utility, or any agent, director, or officer thereof, who shall, directly or indirectly, issue or cause to be issued any stocks, certificates of stock, bonds, or other evidences of indebtedness contrary to the provisions of this section, or who shall apply the proceeds from the sale thereof to any purposes other than that specified in the certificate of the commission, shall forfeit and pay into the Treasury of the United States, one-half to the credit of the District of Columbia, not less than \$1,000 nor more than \$10,000 for each offense.

"PAR. 80. That each and every director, president, secretary, or other official of any such public utility who shall make any false statement to secure the issue of any stock, certificate of stock, bond, mortgage, or other evidence of indebtedness, or who shall, by false statement knowingly made, procure the commission the making of the certificate herein provided, or issue, with knowledge of such fraud, negotiate, or cause to be negotiated, any such stock, certificate of stock, bond, mortgage, or other evidence of indebtedness in violation of this section, shall be guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not less than \$1,000, or by imprisonment for a term of not less than one year, or by both such fine and imprisonment, in the discretion of the court.

"PAR. 81. That if any public utility or any agent or officer thereof shall, directly or indirectly, by any device whatsoever, or otherwise, charge, demand, collect, or receive from any person, firm, or corporation a greater or less compensation for any service rendered or to be rendered by it in or affecting or relating to the conduct of a street railroad or street railroad corporation, common carrier, gas plant, gas corporation, electric plant, electric corporation, water power company, telephone line, telephone corporation, telegraph line, or telegraph corporation, or pipe line company, or to the production, transmission, delivery, or furnishing of heat, light, water, or power, or the conveyance of telephone or telegraph messages, or for any service in connection therewith than that prescribed in the public schedules or tariffs then in force or established as provided herein, or than it charges, demands, collects, or receives from any other person, firm, or corporation other than one conducting a like business for a like and contemporaneous service, such public utility shall be deemed guilty of unjust discrimination, which is hereby prohibited and declared to be a misdemeanor and unlawful, and upon conviction thereof shall forfeit and pay to the District of Columbia not less than \$100 nor more than \$1,000 for each offense; and such agent or officer so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$50 nor more than \$100 for each offense.

"PAR. 82. That it shall be unlawful for any public utility to demand, charge, collect, or receive from any person, firm, or

corporation less compensation for any service rendered or to be rendered by said public utility in consideration of the furnishing by said person, firm, or corporation of any part of the facilities incident thereto: *Provided*, That nothing herein shall be construed as prohibiting any public utility from renting any facilities incident to the production, transmission, delivery, or furnishing of heat, light, water, or power, or the supply of any liquid, steam, or air, through pipes or tubing, or the conveyance of telegraph or telephone messages, and paying a reasonable rental therefor; or as requiring any public utility to furnish any part of such appliances which are situated in and upon the premises of any consumer or user, except telephone station equipment upon the subscriber's premises, and, unless otherwise ordered by the commission, meters, and appliances for measurements of any product or service.

"PAR. 83. That it shall be unlawful for any person, firm, or corporation to solicit, accept, or receive any rebate, concession, or discrimination in respect to any service in or affecting or relating to any public utility or the production, transmission, delivery, or furnishing of heat, light, water, or power, or any liquid, steam, or air, or the conveying of telegraph or telephone messages within the District of Columbia, or for any service in connection therewith whereby any such service shall, by any device whatsoever or otherwise, be rendered free or at a less rate than that named in the schedules and tariffs in force as provided in this section, or whereby any service or advantage is received other than is in this section specified. Any person, firm, or corporation violating the provisions of this paragraph shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$200 nor more than \$1,000 for each offense.

"PAR. 84. That any officer, agent, or employee of any public utility who shall fail or refuse to fill out and return any blanks, as required by this section, or shall fail or refuse to answer any question therein propounded, or shall knowingly or willfully give a false answer to any such question, or shall evade the answer to any such question where the fact inquired of is within his knowledge, or who shall, upon proper demand, fail or refuse to exhibit to the commission or any commissioner, or any person authorized to examine the same, any book, paper, account, record, or memoranda of such public utility which is in his possession or under his control, or who shall fail to properly use and keep his system of accounting, or any part thereof, as prescribed by the commission under this section, or who shall refuse to do any act or thing in connection with such system of accounting when so directed by the commission or its authorized representative shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than \$200 nor more than \$1,000 for each offense, and a penalty of not less than \$500 nor more than \$2,000 shall, on conviction, be imposed on the public utility for each such offense when such officer, agent, or employee acted in obedience to the direction, construction, or request of such public utility or any general officer thereof.

"PAR. 85. That if any public utility shall violate any provision of this section, or shall do any act herein prohibited, or shall fail or refuse to perform any duty enjoined upon it for which a penalty has not been provided, or shall fail, neglect, or refuse to obey any lawful requirement or order made by the commission, or any judgment or decree made by any court upon its application, for every such violation, failure, or refusal such public utility shall forfeit and pay to the District of Columbia the sum of \$200 for each such offense. In construing and enforcing the provisions of this paragraph, the act, omission, or failure of any officer, agent, or other person acting for or employed by any public utility acting within the scope of his employment and instructions shall in every case be deemed to be the act, omission, or failure of such public utility.

"PAR. 86. That any person who shall destroy, injure, or interfere with any apparatus or appliance owned or operated by or in charge of the commission or its agents shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding \$100 or imprisonment for a period not exceeding 30 days, or both.

"PAR. 87. That every day during which any public utility, or any officer, agent, or employee thereof, shall fail knowingly or willfully to observe and comply with any order or direction of the commission, or to perform any duty enjoined by this section, shall constitute a separate and distinct violation of such order, or direction, or of this section, as the case may be.

"PAR. 88. That whenever, after hearing and investigation as provided in this section, the commission shall find that any rate, toll, charge, regulation, or practice of any public utility within the District of Columbia is unreasonable or discriminatory, it shall have the power to regulate, fix, and determine the same as provided in this section.

"PAR. 89. That every public utility shall, whenever an accident attended with loss of human life or personal injury without loss of human life occurs within the District of Columbia, upon its premises, or directly or indirectly arising from or connected with its maintenance or operation, give immediate notice thereof to the commission. In the event of any such accident, the commission, if it deem the public interest requires it, shall cause an investigation to be made forthwith.

"PAR. 90. That the commission shall inquire into any neglect or violation of the laws or regulations in force in the District of Columbia by any public utility doing business therein, or by the officers, agents, or employees thereof, or by any person operating the plant of any public utility, and shall have the power, and it shall be its duty, to enforce the provisions of this section as well as all other laws relating to public utilities.

"PAR. 91. That the corporation counsel of the District of Columbia shall be the general counsel of the commission and shall receive from and be paid out of the appropriations provided and to be provided for the expenses of the commission in addition to his compensation otherwise provided by law the sum of \$1,000 per annum, payable in equal monthly installments. It shall be the duty of the general counsel to represent and appear for the commission in all actions and proceedings involving any question under this section, or under or in reference to any act, order, or proceeding of the commission, and if directed to do so by the commission, to intervene, if possible, in any action or proceeding in which any such question is involved; to commence and prosecute all actions and proceedings directed or authorized by the commission, and to expedite, in every way possible, final and just determination of all such actions and proceedings; to advise the commission and each commissioner, when so requested, in regard to all matters in connection with the powers and duties of the commission and of the members thereof, and generally to perform all duties and services as attorney and counsel to the commission which the commission may reasonably require of him. The assistants to the corporation counsel shall perform such duties relating to matters arising under this section and all other matters as the corporation counsel may prescribe. The commission may, if at any time it deems necessary, employ other attorneys at law as additional assistants to the said general counsel for the performance of such extraordinary legal services for or in behalf of the commission at such special compensation for such additional assistants as the commission may prescribe, which said compensation shall be paid out of the appropriations herein provided and hereafter to be provided for the expenses of the commission. The said corporation counsel and any of his assistants designated by him or by the commission shall have the right to appear and prosecute any civil, quasi criminal, or criminal case to recover any penalty, forfeiture, fine, or for the imposition of any punishment provided for in this section whether instituted by or on behalf of the United States of America or by or on behalf of the District of Columbia or otherwise, and on every appeal provided by law. The commission may enforce its orders in any case by mandamus or other legal or equitable remedy in any court of competent jurisdiction, and it shall be the duty of the corporation counsel or his assistants to represent the commission in every such proceeding.

"PAR. 92. That the provisions of this section shall be interpreted and construed liberally in order to accomplish the purposes thereof, and where any specific power or authority is given the commission by the provisions of this section the enumeration thereof shall not be held to exclude or impair any power or authority otherwise in this section conferred on said commission. The commission hereby created shall have, in addition to the powers in this section specified, mentioned, and indicated all additional, implied and incidental power which may be proper and necessary to effect and carry out, perform, and execute all the said powers herein specified, mentioned, and indicated. A substantial compliance with the requirements of this section shall be sufficient to give effect to all the rules, orders, acts, and regulations of the commission, and they shall not be declared inoperative, illegal, or void for any omission of a technical nature in respect thereto. That each paragraph of this section, and every part of each paragraph, are hereby declared to be independent paragraphs, and the holding of any paragraph or paragraphs or part or parts thereof to be void, ineffective, or unconstitutional for any cause shall not be deemed to affect any other paragraph or part thereof.

"PAR. 93. That this section shall not have the effect to release or waive any right of action by the United States, or by the District of Columbia, or by any person, for any right, penalty, or forfeiture which may have arisen or which may hereafter arise under any law of the United States or any regulation in force in the District of Columbia; and all penalties and

forfeitures accruing under this section shall be cumulative, and a suit for any recovery of one shall not be a bar to the recovery of any other penalty.

"PAR. 94. That, first, unless the commission shall otherwise order, it shall be unlawful for any public utility within the District of Columbia to demand, collect, or receive a greater compensation for any service than the charge fixed on the lowest schedules of rates for the same service under the law in force at the date of the passage of this section; second, every public utility in the District of Columbia shall, within 30 days after the passage and publication of this section, file in the office of the commission copies of all schedules of rates and charges, including joint rates, in force at the date of the passage of this section; third, any public utility desiring to advance or discontinue any such rate or rates may make application to the commission in writing, stating the advance in or discontinuance of the rate or rates desired, giving the reasons for such advance or discontinuance; fourth, upon receiving such application the commission shall fix a time and place for hearing, and give such notice to interested parties as shall be proper and reasonable; if, after such hearing and investigation, the commission shall find that the change or discontinuance applied for is reasonable, fair, and just, it shall grant the application, either in whole or in part; fifth, any public utility being dissatisfied with any order of the commission made under the provisions of this paragraph may commence a proceeding against it in the Supreme Court of the District of Columbia in the manner as is in this section hereinbefore provided, which action shall be tried and determined in the same manner as is in this section hereinbefore provided.

"PAR. 95. The commission shall have the power in each and every instance to employ and to prescribe the duties of such officers, clerks, stenographers, typewriters, inspectors, experts, and employees as it may deem necessary to carry out the provisions of this section, and to fix and pay their compensation within the appropriations provided by Congress. The commission is hereby authorized, within the appropriation made by Congress, to incur and pay incidental expenses for postage, printing, blanks, books, law books, books of reference, and periodicals, stationery, binding, rebinding, repairing and preservation of records, desks, office furniture and supplies, traveling expenses of the commission, the commissioners, and every officer, agent, and employee thereof, and all other general expenses reasonably necessary to be incurred in carrying out the purposes of this section. All payments and disbursements, as provided in this section, shall be made by the disbursing officer of the District of Columbia upon proper vouchers, certified as required by the commission; and the commission is hereby also granted power and authority to designate and appoint during its pleasure such officers, clerks, inspectors, and employees of the District of Columbia and members of the Metropolitan force of the District of Columbia to perform any of the duties which the commission may from time to time, respectively, assign to them, and to employ any assistance and fix compensation therefor within the limits of the appropriations for its use herein or hereafter made by act of Congress.

"PAR. 96. That the said commission shall hereafter exercise all the powers and have all the authority now vested by law in the Interstate Commerce Commission by virtue and under the act of Congress approved May 23, 1908, entitled 'An act authorizing certain extensions to be made of the lines of the Anacostia & Potomac River Railroad Co., the Washington Railway & Electric Co., the City & Suburban Railway of Washington, and the Capital Traction Co., of the District of Columbia, and for other purposes,' and said power and authority shall no longer be exercised by said Interstate Commerce Commission: *Provided*, That the orders, rules, and regulations made by the Interstate Commerce Commission shall continue to be in force until changed, repealed, altered, or amended by the commission created by this section, which said commission is hereby given power and jurisdiction to issue and, at its pleasure, to revoke all permits, or licenses, to carry this section into effect, and its rules and regulations shall be valid and binding on all public-service corporations and on all persons.

"Whenever the commission shall be of opinion, after hearing had upon its own motion or upon complaint, that repairs, improvements, or changes in any street railroad, gas plant, electric plant, telephone line, telegraph line, pipe line, water-power plant, or the facilities of any common carrier ought reasonably to be made, or that any addition of service or equipment ought reasonably to be made thereto, or that the vehicles or cars of any street railroad or common carrier are unclean, insanitary, uncomfortable, inconvenient, or improperly equipped, operated, or maintained, or are in need of paint, or unsightly in appearance, or that any addition ought reasonably to be made thereto in

order to promote the comfort or convenience of the public or employees, or in order to secure adequate service or facilities, the commission shall have power to make and serve an order directing that such repairs, improvements, changes, or additions to service or equipment be made within a reasonable time and in a manner to be specified therein, and every such public utility is hereby required and directed to obey every such order of the commission.

"PAR. 97. That all the powers created by this section and the duty of carrying this section into effect and enforcing the provisions thereof are hereby vested in and imposed on the Commissioners of the District of Columbia as a governmental and administrative agency, and said powers shall be exercised and said duties performed as additional and superadded powers to their powers and duties as Commissioners of the District of Columbia. The powers, authority, and duties hereby imposed on and granted said commissioners shall be permanent and are hereby imposed on and granted to the present Commissioners of the District of Columbia and their successors in office. The commission created by this section shall, so soon as convenient after its passage, organize by electing one of its number as chairman, who shall serve until the first Monday in January, 1914. On the first Monday in January in each odd-numbered year the commissioners shall meet and elect a chairman, who shall serve for two years and until his successor is elected. A majority of said commissioners shall constitute a quorum to do business, and any vacancy shall not impair the right of the remaining commissioners to exercise all the powers of the commission. Any investigation, inquiry, or hearing within the powers of the commission may be made or held by any commissioner, whose acts and orders, when approved by the commission, shall be deemed to be the order of the commission. The commission shall have power to adopt and publish rules to govern its proceedings and to regulate the mode and manner of all investigations and hearings pertaining to public utilities.

"No commissioner shall be directly or indirectly interested in any public utility or in any stock, bond, mortgage, security, or contract of any such public utility; and if any such commissioner shall voluntarily become so interested his office shall ipso facto become vacant; and if any such commissioner shall become so interested otherwise than voluntarily he shall, within a reasonable time, divest himself of such interest, and if he fails so to do his office shall become vacant. Before entering upon the duties of his office each commissioner, the secretary of the commission, the counsel of the commission, and every employee of said commission shall take and subscribe the constitutional oath of office, and shall in addition thereto make oath or affirmation before and file with the clerk of the Supreme Court of the District of Columbia that he is not pecuniarily interested, voluntarily or involuntarily, in any public utility in the District of Columbia or elsewhere.

"PAR. 98. That the sum of \$40,000, or so much thereof as may be necessary, is hereby appropriated to carry out the provisions of this section, one-half out of the revenues of the District of Columbia and one-half out of any moneys in the Treasury not otherwise appropriated, and all moneys received from fines, forfeitures, and penalties shall be paid into the Treasury of the United States, one-half to the credit of the District of Columbia.

"PAR. 99. That all the duties, powers, and authority of the Commissioners of the District of Columbia shall continue and remain in full force and effect notwithstanding this section; and all powers, authority, and duties of the municipality known as the District of Columbia and all rights vested in said municipality shall continue and remain in full force and effect notwithstanding this section. All the lawful ordinances and regulations made by the Commissioners of the District of Columbia as such, and all other lawful municipal ordinances and regulations, shall continue and remain in full force and effect, and may be altered, changed, or amended, and new ordinances and regulations may be made by the Commissioners of the District of Columbia, acting as such, hereafter, notwithstanding this section: *Provided*, That when any order of the commission created by this section shall be made which shall be inconsistent and repugnant to any municipal ordinance or regulation, or any ordinance or regulation made or to be made by the Commissioners of the District of Columbia, acting as such, then and in such event the order of the commission created by this section shall be given full force and effect, notwithstanding such municipal ordinance or regulation.

"PAR. 100. That the board of directors of every public utility shall consist of not more than 15 nor less than 7 members, within which limitation the membership may be in any case increased or diminished, as the stockholders may from time to time determine.

"PAR. 101. That, except as modified or changed by this section and until modified or changed under its provisions, all charters, statutes, laws, ordinances, and regulations now in force shall remain and continue to be in full force and effect until altered, amended, or repealed according to law: *Provided*, That all charters, statutes, acts, and parts of acts, laws, ordinances, and regulations inconsistent and repugnant to the provisions of this section, and only so far as inconsistent and repugnant thereto, are hereby repealed.

"PAR. 102. That this section shall not affect pending actions or proceedings, civil or criminal, or quasi criminal, but the same may be prosecuted or defended as heretofore provided by law or regulation.

"PAR. 103. That Congress reserves the right to alter, amend, or repeal this section."

And the Senate agree to the same.

Amendment numbered 132: That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 132, and agree to the same with amendments as follows: In lines 8 and 9 of paragraph 6, on page 11, of said amendment strike out the words "midnight and 7 o'clock in the morning" and insert in lieu thereof the words "1 o'clock a. m. and 7 o'clock a. m."; and in line 14 of said paragraph, after the word "hotel," insert the word "restaurant"; and the House agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with amendments as follows: In lines 30, 34, 42, 44, and 46 strike out the word "act" where it occurs and insert in lieu thereof the word "section"; and the Senate agree to the same.

CHARLES CURTIS,  
REED SMOOT,

JOHN WALTER SMITH,  
*Managers on the part of the Senate.*

A. S. BURLISON,  
E. W. SAUNDERS,  
E. L. TAYLOR, Jr.,

*Managers on the part of the House.*

Mr. CURTIS. I ask that the report be printed in the Record and also as a Senate document.

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

#### COAL MINING IN OKLAHOMA.

Mr. OWEN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3343) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, and 4, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House numbered 5, and agree to the same with an amendment as follows: Strike out all of section 2 of the bill; and the House agree to the same.

That the Senate agree to the amendment of the House amending the title of the bill.

MOSES E. CLAPP,  
ROBERT J. GAMBLE,  
ROBERT L. OWEN,

*Managers on the part of the Senate.*

CHARLES D. CARTER,  
CARL HAYDEN,  
PHIL. CAMPBELL,

*Managers on the part of the House.*

The report was agreed to.

#### DEFICIENCY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 28558) making appropriations to supply deficiencies in appropriations for the fiscal year 1913, and for prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments, that the request of the House for a conference be granted,

and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. WARREN, Mr. GAMBLE, and Mr. CULBERSON conferees on the part of the Senate.

#### LIEN FOR TAXES.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 25780) to amend section 3186 of the Revised Statutes of the United States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BRANDEGEE. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. BRANDEGEE, Mr. ROOT, and Mr. PAYNTER conferees on the part of the Senate.

#### RECESS.

Mr. SMITH of Georgia. I move that the Senate take a recess until 9 o'clock and 45 minutes a. m.

The motion was agreed to; and (at 12 o'clock and 10 minutes a. m., Monday, March 3, 1913) the Senate took a recess until 9 o'clock and 45 minutes a. m., Monday, March 3, 1913.

#### CONFIRMATIONS.

*Executive nominations confirmed by the Senate March 2, 1913.*

#### PROMOTIONS IN THE ARMY.

##### JUDGE ADVOCATE GENERAL'S DEPARTMENT.

George M. Dunn to be a colonel.  
Lewis E. Goodier to be a lieutenant colonel.

##### Majors.

Samuel T. Ansell.  
Herbert A. White.

##### QUARTERMASTER CORPS.

Thomas Cruse to be a colonel.  
Arthur W. Yates to be a lieutenant colonel.

##### ORDNANCE DEPARTMENT.

Edwin B. Babbitt to be a colonel.  
John W. Joyes to be a lieutenant colonel.

##### ENGINEER CORPS.

Lansing H. Beach to be a colonel.

##### Lieutenant colonels.

A. F. Flagler.  
Chester Harding.

##### Majors.

Gustav R. Lukesh.  
John R. Slattery.  
Curtis W. Otwell.  
Hubert L. Wigmore.  
Albert L. Waldron.

##### Captains.

Alvin B. Barber.  
William F. Endress.  
Jarvis J. Bain.  
Thomas H. Emerson.  
Robert S. Thomas.  
Roger C. Powell.  
John N. Hodges.  
Arthur R. Ehrubeck.

##### First lieutenants.

Frederick S. Strong.  
Creswell Garlington.

##### CAVALRY ARM.

Frank T. McNarney to be a captain.  
George L. Converse, jr., to be a first lieutenant.

##### INFANTRY ARM.

##### To be colonels.

Edwin P. Pendleton.  
Samuel W. Dunning.

##### Lieutenant colonel.

Robert H. Noble.

##### Major.

Isaac C. Jenks.

##### First lieutenants.

Benjamin F. Castle.  
Edwin C. McNeil.

#### APPOINTMENTS IN THE ARMY.

##### CAVALRY ARM.

First Lieut. David H. Scott (Infantry arm) to be a first lieutenant.

##### INFANTRY ARM.

First Lieut. Robert C. Richardson, jr. (Cavalry arm) to be a first lieutenant.

##### COAST ARTILLERY CORPS.

Cyril Arthur Winton Dawson to be a second lieutenant.

##### MEDICAL RESERVE CORPS.

##### First lieutenants.

George Henry Buck.  
Robert Henry Wilds.  
Roger Post Ames.  
George Henry Torney, jr.  
Eide Frederick Thode.

##### CHAPLAIN.

William A. Aiken to be a chaplain with the rank of first lieutenant.

#### PROMOTIONS IN THE NAVY.

##### Rear admirals.

William B. Caperton.  
Wythe M. Parks.  
Frank H. Bailey.

##### Captains.

William H. C. Bullard.  
Joseph W. Oman.

##### Commanders.

John S. Doddridge.  
Percy N. Olmsted.  
John R. Brady.

##### Lieutenant commanders.

John W. Schoenfeld.  
Clarence L. Arnold.  
Bayard T. Bulmer.

##### Lieutenants.

Harold Jones.  
Albert S. Rees.  
Alexander Sharp, jr.  
Richard R. Mann.  
William C. I. Stiles.  
Aubrey W. Fitch.

##### Assistant naval constructor.

Charles S. Brand.

##### Passed assistant paymasters.

Omar D. Conger.  
John H. Knapp.  
Duette W. Rose.

##### Surgeon.

Perceval S. Rossiter.

##### Chief pharmacist.

Oscar G. Ruge.

##### Chief machinist.

August Schulze.

##### Chief boatswains.

Harry N. Huxford.  
William E. O'Connell.

##### Chief gunners.

Joseph H. Aigner.  
Clarence D. Holland.  
Glendon W. Irwin.  
Joseph F. Carmody.  
Daniel W. Nelson.

##### MARINE CORPS.

##### Major.

Philip S. Brown.

##### First lieutenant.

Joseph C. Fegan.

#### APPOINTMENTS IN THE NAVY.

##### Assistant civil engineers.

Harold G. Taylor.  
Gaylord Church.

##### Assistant paymasters.

Samuel R. White, jr.  
Macdonough C. Merriman.

##### Assistant surgeons.

John Buckley.  
Charles P. Lynch.

*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 Senate 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, \$253,700"; 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 "Pollockville" 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. RANDELL,  
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.<br>Item adopts new project and appropriates \$10,000 for completion.   |
| 2                 | 2             | The House conferees receded from disagreement.<br>Deer Island Thoroughfare, Me.<br>Item adopts new project and appropriates \$40,000 for completion.  |
| 3                 | 2             | The House conferees receded from disagreement.<br>Carvers Harbor, Vinalhaven, Me.<br>Item adopts new project and appropriates \$16,000 for completion.  |
| 4                 | 2             | The House conferees receded from disagreement.<br>Pepperells Cove, Me.<br>Item appropriates \$63,400 for completion of project as recommended by the engineers.   |
| 5                 | 2             | The House conferees receded from disagreement.<br>Medomak River, Me.<br>Senate amendment increases House item from \$8,500 to \$17,000, and provides for completion of project.   |
| 6                 | 3             | The House conferees receded from disagreement.<br>Harbor at Plymouth, Mass.<br>Item adopts new project and appropriates \$83,500 for completion on condition that local interests contribute a like amount.   |
| 7                 | 4             | The House conferees receded from disagreement.<br>Block Island Harbor of Refuge, R. I.<br>Item appropriates \$50,000 for continuing improvement as recommended by the engineers.  |
| 8                 | 4             | The House conferees receded from disagreement.<br>Point Judith Harbor of Refuge, R. I.<br>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.   |
| 9                 | 4             | The Senate receded from this amendment.<br>Providence River and Harbor, R. I.<br>Item adopts new project and appropriates \$100,000 in cash and provides a continuing-contract authorization for \$27,800 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. |
| 10                | 5             | The House conferees receded from disagreement after a slight verbal amendment to correct an error.<br>New Haven Harbor, Conn.<br>Item adopts new project estimated to cost \$202,000 and appropriates \$80,000 toward prosecuting the same.   |
| 11                | 5             | The House conferees receded from disagreement.<br>Connecticut River, Conn.<br>Item proposed to grant the Connecticut River Co. the right to relocate its "Enfield Dam," and certain other privileges.   |
| 12                | 11            | The Senate receded from this amendment.<br>Harbor at Flushing Bay, N. Y.<br>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.<br>Item authorizes the Secretary of War to make rules and regulations for the navigation of Ambrose Channel.<br>The House conferees receded from disagreement.   | 32                | 29            | Channel between St. Johns River, Fla., and Cumberland Sound, Ga.<br>Item adopts new project and appropriates \$50,000 cash and provides a continuing-contract authorization for \$51,000 for completion.<br>The House conferees receded from disagreement.  |
| 14                | 14            | East River, N. Y.<br>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.<br>The Senate receded from this amendment.  | 33                | 30            | Anastasia Island, Fla.<br>Item provides appropriation of \$15,000 for protecting shore of Anastasia Island by groins.<br>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.<br>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.<br>The House conferees receded from disagreement.   | 34                | 34            | Hillsboro Bay, Fla.<br>Senate amendment reduced House appropriation of \$300,000 to \$100,000.<br>The Senate receded from this amendment.   |
| 16                | 15            | Hudson River Channel of New York Harbor, N. Y.<br>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.<br>The House conferees receded from disagreement.   | 35                | 31            | Harbor at Miami (Biscayne Bay), Fla.<br>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. 551, Sixty-second Congress, second session.<br>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            | Absecon Inlet, N. J.<br>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.<br>The House conferees receded from disagreement.   | 36                | 32            | Lake Crescent and Dunns Creek, Fla.<br>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.<br>The House conferees receded from disagreement.   |
| 18                | 18            | Woodbury Creek, N. J.<br>Senate amendment increases House item from \$8,000 to \$38,000 and provides for completing improvement.<br>The House conferees receded from disagreement.  | 37                | 35            | Channel connecting Mobile Bay and Mississippi Sound, Ala.<br>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.<br>The House conferees receded from disagreement.   |
| 19-20             | 19            | Delaware River, Pa., N. J., and Del.<br>Item strikes out the word "Lalor," in lines 23 and 21, and inserts in lieu thereof the word "Lalor."<br>The House conferees receded from disagreement.  | 38                | 36            | Mouth of Yazoo River and harbor of Vicksburg, Miss.<br>Senate amendment proposed to increase the amount provided in House bill from \$10,000 to \$60,000.<br>The Senate receded from this amendment.  |
| 21-22             | 19            | Allegheny River, Pa.<br>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.<br>The House conferees receded from disagreement to amendment No. 21 making the proposed changes applicable to the channel spans only.<br>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. | 39                | 39            | Channel from Galveston Harbor to Texas City, Tex.<br>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.<br>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.   |
| 23                | 21            | York Spit Channel, Baltimore Harbor, Md.<br>Senate amendment increases House item from \$100,000 to \$305,250 and provides for completion of project.<br>The House conferees receded from disagreement.   | 40                | 39            | Houston Ship Channel, Tex.<br>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.<br>The House conferees receded from disagreement.  |
| 24                | 22            | Western Branch of Elizabeth River, Va.<br>Item adopts new project and appropriates \$32,000 for completion.<br>The House conferees receded from disagreement.   | 41                | 40            | Port Aransas, Tex.<br>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.<br>The House conferees receded from disagreement.  |
| 25                | 23            | Harbor of Refuge at Cape Lookout, N. C.<br>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.<br>The House conferees receded from disagreement.  | 42-43             | 42            | Brazos River, Tex., from Old Washington to Waco.<br>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.<br>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.   |
| 26                | 24            | Capo Fear River at and below Wilmington, N. C.<br>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.<br>The Senate receded from this amendment.  | 44                | 42            | Mouth of Brazos River, Tex.<br>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.<br>The House conferees receded from disagreement.   |
| 27                | 25            | Waterways connecting Core Sound and Beaufort Harbor, N. C.<br>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.<br>The House conferees receded from disagreement.   | 45                | 42            | Trinity River, Tex.<br>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.<br>The House conferees receded from disagreement.  |
| 28                | 26            | Winyah Bay, S. C.<br>Senate amendment reduced amount appropriated by House bill from \$120,000 to \$65,000.<br>The Senate receded from this amendment.  | 46                | 43            | Arkansas River in front of the Crawford County Levee, Ark.<br>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.<br>The House conferees receded from disagreement.  |
| 29                | 26            | Archers Creek, S. C.<br>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.<br>The House conferees receded from disagreement.  |                   |               |   |
| 30                | 27            | Fancy Bluff Creek, Ga.<br>Item adopts new project and appropriates \$8,000 for completion.<br>The House conferees receded from disagreement.  |                   |               |   |
| 31                | 28            | Savannah River at Augusta, Ga.<br>Item adopts new project and appropriated \$60,000 for completion on condition that the city of Augusta contributes a like amount.<br>The House conferees receded from disagreement.   |                   |               |   |



| No. of amendment. | Page of bill. |  | No. of amendment. | Page of bill. |  |
|-------------------|---------------|--|-------------------|---------------|--|
| 47                | 44            | White River at Deval Bluff, Ark.<br>Item adopts new project and appropriates \$14,000 for completion on condition that local interests furnish free stumpage of brush therefor.<br>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.<br>Item adopts new project in connection with the reservoirs at headwaters of the Mississippi River and appropriates \$115,000 for improvement.<br>The House conferees receded from disagreement.   |
| 48-49             | 45            | Cleveland Harbor, Ohio.<br>House item providing \$25,000 for maintenance was amended to provide \$70,000 for improvement and maintenance.<br>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.<br>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.<br>The Senate receded from this amendment.   |
| 50                | 46            | Arcadia Harbor, Mich.<br>Item appropriates \$20,000 for improvement and maintenance, including repair and reconstruction of the north pier.<br>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.<br>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.<br>The House conferees receded from disagreement.   |
| 51-52             | 47            | Manistee Harbor, Mich.<br>This amendment increases the amount to be appropriated from \$246,000 to \$312,000 and provides for completion.<br>The House conferees receded from disagreement.  | 68                | 63            | San Diego Harbor, Cal.<br>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.<br>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 \$208,786 for completion.<br>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.<br>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.<br>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.<br>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.<br>The Senate receded from this amendment, which was practically a duplication of a part of the House item.  |
| 54                | 48            | Clinton River, Mich.<br>Item appropriates \$20,000 for improvement.<br>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.<br>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.<br>The House conferees receded from disagreement.  |
| 55                | 48            | Saginaw River, Mich., up to the mouth of the the Tittabawassee River.<br>Item appropriates \$100,000 for improvement.<br>The House conferees receded from disagreement.  | 71-72             | 67            | Willamette River above Oregon City, Oreg.<br>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.<br>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.<br>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 Ogden Street bridge.<br>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.<br>Senate amendment increases amount provided in House bill from \$500,000 to \$1,200,000.<br>The House conferees receded from disagreement.  |
| 57                | 50            | Grand Calumet River, Ind.<br>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.<br>The Senate receded from this amendment.   | 74                | 68            | Columbia River and tributaries above Celilo Falls to the mouth of Snake River, Oreg. and Wash.<br>Senate amendment increases amount provided in House bill from \$40,000 to \$60,000.<br>The House conferees receded from disagreement.  |
| 58                | 56            | Chicago River, Ill.<br>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.<br>The House conferees receded from disagreement.  | 75                | 68            | Columbia River between Bridgeport and Kettle Falls, Wash.<br>Senate amendment increases amount provided in House bill from \$25,000 to \$40,000.<br>The House conferees receded from disagreement.   |
| 59                | 57            | Mississippi River Commission.<br>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.<br>The House conferees receded from disagreement and agreed to the same after verbal amendment.  | 76                | 70            | Emergency appropriations.<br>Existing balances of appropriations heretofore provided made available for allotment subject to recommendation by local officer and the Chief of Engineers.<br>The House conferees receded from disagreement after two slight verbal amendments to correct errors.  |
| 60                | 57            | Mississippi River Commission.<br>Item places the mouth of the Yazoo River and harbor at Vicksburg under the jurisdiction of the Mississippi River Commission.<br>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.<br>The Senate receded from this amendment.  |
| 61                | 58            | Mississippi River Commission.<br>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.<br>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.<br>The Senate receded from this amendment.  |
| 62-63             | 58            | Mississippi River Commission.<br>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.<br>The House conferees receded from disagreement. | 79                | 74            | Item renumbering section of House bill.<br>The Senate receded from this amendment.<br>Survey items:<br>In the case of the following items (being all for surveys) the House conferees receded from disagreement:   |
| 64                | 59            | Mississippi River at St. Paul, Minn.<br>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.<br>The Senate receded from this amendment.   | 80                | 75            | Thomaston Harbor, Me.  |
|                   |               |  | 81                | 75            | Harbor at Marion, Mass.  |
|                   |               |  | 82                | 75            | Salem Harbor, Mass.  |
|                   |               |  | 83                | 75            | Lynn Harbor and the Saugus River, Mass., with amendment.   |
|                   |               |  | 84                | 76            | Malden River, Mass.  |
|                   |               |  | 85                | 76            | Johnsons Creek, Bridgeport, Conn.  |
|                   |               |  | 86                | 76            | Stamford Harbor, Conn.   |
|                   |               |  | 87                | 77            | New York Harbor, N. Y., opposite anchorage grounds in upper bay.   |
|                   |               |  | 88                | 77            | Westchester Creek, N. Y.   |
|                   |               |  | 89                | 77            | Raccoon Creek, N. J.   |
|                   |               |  | 90                | 77            | Leipsic River, Del.  |
|                   |               |  | 91                | 78            | Blackwater River, Va.  |

| No. of amendment. | Page of bill. |  |
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|                   |               | 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:   |
| 92                | 78            | Hampton Creek, Va.   |
|                   |               | In the case of the following items (being all for surveys) the House conferees receded from disagreement:  |
| 93                | 78            | Scotts Creek, Norfolk, Va., with amendment.  |
| 94                | 78            | Harbor at Saxis, Va.   |
| 95                | 79            | Trent River, N. C.   |
| 96                | 80            | Thoroughfare Bay, N. C.  |
| 97                | 80            | Jeremy Creek, S. C.  |
| 98                | 81            | Channel to East Pass from Apalachicola River, Fla.   |
| 99                | 81            | Canal from St. Johns River to Lake Beresford, Fla.   |
| 100               | 81            | Harbor at Key West, Fla. (with amendment).   |
| 101               | 82            | Mosquito Inlet, Fla.   |
| 102               | 82            | Waterway from Pensacola Bay, Fla., to Mobile Bay, Ala. (with verbal amendment).  |
| 103               | 83            | Faint Rock River, Ala.   |
| 104               | 83            | Licking River, Ky.   |
| 105               | 83            | Ohio River above dam at Louisville, Ky. (with amendment).  |
| 106               | 83            | Grand River, Mich.   |
| 107               | 83            | Black Lake Harbor, Mich. (after amendment limiting the proposed depth to 21 feet).   |
| 108               | 83            | Keweenaw Waterway, Mich.   |
| 109               | 84            | Pere Marquette River, Mich.  |
| 110               | 84            | Port Huron Harbor, Mich.   |
| 111               | 85            | Harbor of Minneapolis, Minn.   |
| 112               | 85            | Berkeley Harbor, Cal.  |
| 113               | 86            | Colorado River, Cal. and Ariz. (with verbal amendment).  |
| 114               | 86            | San Leandro Bay, Cal.  |
| 115               | 86            | Mokelumne River, Snodgrass Slough, and channels connecting the Sacramento River, Cal. (with verbal amendment).   |
| 116               | 86            | Nehalem Bay and River, Oreg.   |
| 117               | 86            | Willapa Harbor and Bar entrance.   |
| 118               | 86            | Lake River and Bachelors Slough, Wash.   |
| 119               | 87            | Apoon mouth of Yukon River, Alaska.  |
| 120-124           | 87-91         | Items renumbering sections of House bill.  |
|                   |               | Senate receded from these amendments.  |
| 125               | 92            | 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.   |
| 126               | 92            | 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.  |
| 127-130           |               | 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.   |
| 131-132           | 93, 95        | Items renumbering sections of House bill.  |
|                   |               | The Senate receded from these amendments with necessary changes.   |
| 133               | 94            | Provision authorizing the Secretary of Commerce and Labor to establish anchorage grounds for vessels in improved waterways.  |
|                   |               | The Senate receded from this amendment.  |

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. RANSDALL,  
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 retretment 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 retvetting 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 retvetting 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 retreating 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 commitments 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

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. 28499) making appropriations to provide for the expenses of the District of Columbia for the fiscal year ending June 30, 1914, and for other purposes, 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 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 Tumulty-ous? [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 any 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, \$8,312.50, 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. RODDENBERRY].

Mr. RODDENBERRY. 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         | Relly           |
| Bates          | Fitzgerald       | La Pollette    | Richardson      |
| Blackmon       | Flood, Va.       | Lamb           | Roberts, Mass.  |
| Borland        | Fornes           | Langham        | Roberts, Nev.   |
| 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.       | McGillcuddy    | Sparkman        |
| Cannon         | Griest           | McKellar       | Speer           |
| Cantrill       | Guernsey         | McKenzie       | Stanley         |
| Carlin         | Hamill           | McKinley       | Stedman         |
| Carter         | Hamilton, Mich.  | McLaughlin     | Stephens, Cal.  |
| Cary           | Hamilton, W. Va. | McMoran        | Sterling        |
| Claypool       | Hammond          | Maher          | Stone           |
| Clayton        | Hardwick         | Mann           | Taggart         |
| Conry          | Harrison, N. Y.  | Martin, Colo.  | Talcott, N. Y.  |
| Cooper         | Hart             | Miller         | Taylor, Ala.    |
| Copley         | Hartman          | Mondell        | Thayer          |
| Covington      | Hawley           | Moore, Pa.     | Tilson          |
| Crago          | Ilay             | Moore, Tex.    | Townsend        |
| Cravens        | Hayden           | Morgan, La.    | Turnbull        |
| Crumpacker     | Hayes            | Morgan, Okla.  | Underhill       |
| Davidson       | Heald            | Mott           | Underwood       |
| Davis, Minn.   | Heflin           | Murray         | Vare            |
| Davis, W. Va.  | Helgesen         | Needham        | Veoland         |
| De Forest      | Henry, Conn.     | Neeley         | 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      | Falson          | 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.     |
| Byrnes, Tenn. | Godwin, N. C.   | Lloyd            | Stephens, Miss. |
| Candler       | Gray            | Magnire, 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           | Webb            |
| Dixon, Ind.   | Hensley         | Roddenbery       | Witherspoon     |
| Boughton      | Howard          | Rube             | 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   | Shackleford |                |

NOT VOTING—95.

|                |                 |                 |               |
|----------------|-----------------|-----------------|---------------|
| Aiken, S. C.   | Focht           | Littleton       | Reyburn       |
| Akin, N. Y.    | Fordney         | McCreary        | Riordan       |
| Ames           | Fuller          | McGuire, Okla.  | Sells         |
| Ansberry       | George          | McKinney        | Slayden       |
| Ashbrook       | Gillett         | Macon           | Slomp         |
| 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.       | Sulloway      |
| 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           | Konig           | Olmsted         | Vreeland      |
| Dickson, Miss. | Konop           | Page            | Watkins       |
| Dyer           | Korbly          | 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. OLMSTED.  
 Mr. PAGE with Mr. PRENCE.  
 Mr. RANSDALL 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. PATTEE 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. 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 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. 28766) to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improve-

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. 27874) 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. 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. 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. 8575. 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. 1698).

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 by 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. RODDENBERRY. 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 8279, 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. 8279) 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 ANTI-TRUST 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 case, 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.

CONDEMNED 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 donation 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;

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 Lamolille, 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 army 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 outfits 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 Selby, in the State of South Dakota, for the use of John Mangan 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 Sylva, 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 bronze or brass 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. CULLOR] 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 to us 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 cheeseparing 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. RODDENBERY] 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 demagoguery 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 great Democrat this world ever knew 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 demagoguery 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 demagoguery 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 demagoguery 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 demagoguery. [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 can'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 demagoguery, 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 nerved 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. 8589) relating to the supervision of the Lincoln Memorial, for immediate consideration.

The SPEAKER. The Chair lays before the House Senate bill 8589. 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 Dreyfussing 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 amended, 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-

pare 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 DEPOSITORIES (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