

evidence that has been submitted, I say that we can best leave this matter to the jurisdiction of the Court of Claims.

The SPEAKER. The time of the gentleman from New Jersey has expired. The gentleman from California has seven minutes remaining.

Mr. RAKER. Mr. Speaker, I yield half a minute to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS. Mr. Speaker, I recognize that some explanation of the parcel-post proposition offered by the gentleman from Tennessee this morning and approved by the House ought to be made. I ask unanimous consent to extend my remarks in the RECORD for that purpose.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LAFFERTY. Mr. Speaker, I raise the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. PAGE. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from North Carolina moves a call of the House.

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

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ames	Dyer	Konop	Reyburn
Anderson, Minn.	Edwards	Kopp	Richardson
Anderson, Ohio	Ellerbe	Lafean	Roberts, Mass.
Andrus	Esch	Lamb	Roberts, Nev.
Anthony	Fairchild	Langham	Robinson
Barchfeld	Fields	Langley	Rodenberg
Barnhart	Fordney	Lawrence	Rothermel
Bartlett	Fornes	Legare	Rouse
Bathrick	Francis	Lenroot	Rubey
Bell, Ga.	Buller	Lever	Scully
Berger	Gardner, Mass.	Levy	Sells
Boehne	Garner	Lindbergh	Sheppard
Borland	Garrett	Lindsay	Sherwood
Bradley	Gillett	Littlepage	Siemp
Brantley	Goldfogle	Littleton	Small
Bronssard	Good	Longworth	Smith, Cal.
Burgess	Goodwin, Ark.	McCall	Smith, N. Y.
Burke, Pa.	Gould	McCreeary	Sparkman
Byrnes, S. C.	Greene, Vt.	McGillicuddy	Speer
Caldar	Gregg, Tex.	McGuire, Okla.	Stack
Callaway	Griest	McHenry	Steenerson
Carlin	Gudger	McKenzie	Stephens, Cal.
Cary	Guernsey	Macon	Stephens, Nebr.
Clark, Fla.	Hanna	Madden	Taggart
Clayton	Hardwick	Martin, S. Dak.	Talbot, Md.
Collier	Hartman	Mays	Taylor, Ala.
Copley	Haugen	Moon, Pa.	Taylor, Colo.
Covington	Hay	Moore, Tex.	Thistlewood
Cox, Ind.	Hayes	Morse	Tilson
Cox, Ohio	Henry, Conn.	Murdock	Underhill
Cravo	Higgins	Neeley	Vare
Cravens	Hinds	Nelson	Volstead
Cullop	Hobson	Nye	Vreeland
Currer	Howell	Parran	Warburton
Dalzell	Hughes, Ga.	Patten, N. Y.	Whitacre
Daugherty	Hughes, N. J.	Porter	Wildar
Davidson	Hughes, W. Va.	Pou	Wilson, Ill.
Davis, W. Va.	James	Powers	Wilson, N. Y.
Dickinson	Jones	Prince	Young, Mich.
Dickson, Miss.	Kindred	Prouty	Young, Tex.
Dies	Kinkaid, Nebr.	Pujo	
Donohoe	Knowland	Randell, Tex.	
Dupré	Konig	Redfield	

The SPEAKER. Two hundred and twenty-one Members are present, a quorum.

Mr. RAKER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. RAKER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I examined this bill very carefully before it passed the House and thought that it ought to pass the House. Since the veto of the President I have gone over the papers again very carefully, including the report of the Secretary of the Interior, and, much as I desire to sustain a veto of the President, and as highly as I regard his opinion, I am constrained, in view of the facts in the case, to vote to override the veto of the President.

In this case the Government let a contract for the construction of a tunnel as a part of an irrigation system. The contract was let for less than the work could be done for, as it subsequently developed. The contract was forfeited, the contractor became bankrupt, and was unable to carry on the work. The Government finished the work. While the contractor was carrying on the work he bought supplies and issued pay checks to the laborers. The work and supplies went into the construction of the tunnel. The pay checks have not been paid. The

supplies are not paid for. The Government has received the benefit of the work and the benefit of the supplies. If the contractor had failed a month or two before he did fail and the Government had proceeded to finish the work, as it did proceed afterwards to do, the Government would have been required to pay that much more money for the construction of the work than it did pay, namely, the amount represented by the pay checks and the amounts paid, due for supplies. I am not in favor of the Government taking the supplies or taking the labor of the laboring men and giving no chance for the payment of those bills. I believe the Government ought to secure the laborer his hire, because the laborer is worthy of his hire. I believe when the Government makes use of the supplies it ought to see that the bills are paid. In this case, as this work has all been done, for the purpose of carrying out the irrigation project and because the people who will occupy the land on the irrigation project will receive the benefit of the labor which is unpaid and of the supplies which yet remain unpaid for, I think they are the ones who ought to pay, and the pending bill only permits these people to intervene in the suit on the bonds which the Government took, and permits them to recover from the bondsmen. I am not willing to give my sanction to a proposition that the Government in constructing work can make use of labor which is unpaid for or make use of supplies which are not paid for. [Applause.]

I yield back the balance of my time.

Mr. RAKER. Mr. Speaker, I yield the balance of the time to the gentleman from Oregon [Mr. LAFFERTY].

Mr. LAFFERTY. Mr. Speaker, the bill now before the House, upon which Members are now about to vote, originated in the other body of Congress, and, therefore, was returned with the veto message to that body. It was considered in the Senate for two days, it was elaborately argued, and only 17 Members of that body voted to sustain the veto message of the President. The simple object of the bill is to give to those who put labor and materials into the construction of the Corbett Tunnel on the Shoshone irrigation project the right to sue upon the bond of the contractor or the subcontractor as they would have had the right to do under the law as it existed up to a few months prior to the letting of this contract. When this labor and material was furnished these people believed, and they had a right to believe, that they would be protected under the general law that obtains in every civilized country, that those who furnish labor and material in the construction of public works have a lien upon those works for what they have furnished. I am very sorry that I have not time to go into the merits of the bill. I will simply state that when it came before the Committee on Irrigation of Arid Lands of the House of Representatives only three members of that body were opposed to its favorable consideration. It was reported favorably and passed through the House. I believe that it ought now to be passed again, the objections of the President to the contrary notwithstanding.

The SPEAKER. The time of the gentleman has expired. The question is, On reconsideration, will the House agree to pass the bill the objections of the President to the contrary notwithstanding? The Clerk will call the roll.

The question was taken; and there were—yeas 138, nays 77, answering "present" 12, not voting 163, as follows:

YEAS—138.

Adair	Dwight	Johnson, Ky.	Rees
Aiken, S. C.	Falson	Kendall	Reilly
Ainey	Farr	Korbly	Roddenbery
Akin, N. Y.	Ferris	Lafferty	Rucker, Colo.
Alexander	Finley	La Follette	Russell
Allen	Fitzgerald	Lee, Ga.	Sabath
Ansberry	Flood, Va.	Lee, Pa.	Shackelford
Ashbrook	Floyd, Ark.	Lever	Sharp
Ayres	Foster	Levy	Sims
Blackmon	Fowler	Littlepage	Sloan
Bowman	French	Lloyd	Smith, J. M. C.
Buchanan	Gallagher	Lobeck	Stanley
Bulkley	George	McDermott	Stedman
Burke, S. Dak.	Gill	McKellar	Steenerson
Burke, Wis.	Godwin, N. C.	Maguire, Nebr.	Stephens, Nebr.
Burnett	Goodwin, Ark.	Maher	Stephens, Tex.
Candler	Gray	Mann	Stevens, Minn.
Cantril	Green, Iowa	Martin, Colo.	Stone
Carlin	Hamill	Matthews	Sweet
Carter	Hamilton, W. Va.	Miller	Switzer
Claypool	Hamlin	Mondell	Taggart
Cline	Hammond	Moon, Tenn.	Thomas
Connell	Hardy	Moss, Ind.	Townsend
Conry	Harrison, Miss.	Mott	Tribble
Cooper	Harrison, N. Y.	Murray	Underhill
Curley	Hay	Norris	Underwood
Curry	Heald	Padgett	Watkins
Davenport	Heflin	Palmer	Webb
Davis, Minn.	Helgesen	Patton, Pa.	Wedemeyer
Dent	Holland	Pepper	Whitacre
Denver	Howard	Pickett	Willis
Difenderfer	Humphrey, Wash.	Pray	Wilson, Pa.
Dixon, Ind.	Humphreys, Miss.	Rainey	Young, Kans.
Doughton	Jackson	Raker	
Driscoll, D. A.	Jacoway	Rauch	

NAYS—77.

Adamson	Godfogle	Loud	Smith, Saml. W.
Bartholdt	Graham	McCoy	Smith, Tex.
Bates	Greene, Mass.	McKinley	Stephens, Miss.
Beall, Tex.	Greene, Vt.	McKinney	Stearns
Booher	Gregg, Pa.	McLaughlin	Sulloway
Brown	Hamilton, Mich.	Moore, Pa.	Sulzer
Bryns, Tenn.	Harris	Morgan	Talcott, N. Y.
Covington	Hayden	Morrison	Taylor, Ohio
Crumpacker	Helm	Needham	Thayer
Danforth	Henry, Tex.	Oldfield	Towner
Dodds	Hensley	Olmsted	Turnbull
Doremus	Hill	O'Shaunessy	Tuttle
Draper	Houston.	Page	Utter
Driscoll, M. E.	Howland	Payne	White
Evans	Hull	Plumley	Wilson, Ill.
Fergusson	Kent	Post	Witherspoon
Foss	Kinkead, N. J.	Ransdell, La.	Wood, N. J.
Gardner, Mass.	Kitchin	Sells	
Gardner, N. J.	Lawrence	Simmons	
Gocke	Lewis	Sisson	

ANSWERED "PRESENT"—12.

Brantley	Glass	Kahn	RJordan
Browning	Haugen	McMorran	Slayden
Butler	Hawley	Peters	Woods, Iowa

NOT VOTING—163.

Ames	Dickson, Miss.	Kindred	Pujo
Anderson, Minn.	Dies	Kinkaid, Nebr.	Randell, Tex.
Anderson, Ohio	Donohoe	Knowland	Redfield
Andrus	Dupré	Konig	Reybura
Anthony	Lyer	Konop	Richardson
Austin	Edwards	Kopp	Roberts, Mass.
Barchfeld	Ellerbe	Lafean	Roberts, Nev.
Barnhart	Esch	Lamb	Robinson
Bartlett	Estopinal	Langham	Rodenberg
Bathrick	Fairchild	Langley	Rothermel
Bell, Ga.	Fields	Legare	Rouse
Berger	Focht	Lenroot	Rubey
Boehne	Fordney	Lindbergh	Rucker, Mo.
Borland	Fornes	Lindsay	Saunders
Bradley	Francis	Linthicum	Scully
Broussard	Fuller	Littleton	Sheppard
Burgess	Garner	Longworth	Sherley
Burke, Pa.	Garrett	McCall	Sherwood
Burleson	Gillett	McCreary	Slemp
Byrnes, S. C.	Good	McGillcuddy	Small
Calder	Gould	McGuire, Okla.	Smith, Cal.
Callaway	Gregg, Tex.	McHenry	Smith, N. Y.
Campbell	Griest	McKenzie	Sparkman
Cannon	Gudger	Macon	Speer
Cary	Guernsey	Madden	Stack
Clark, Fla.	Hanna	Martin, S. Dak.	Stephens, Cal.
Clayton	Hardwick	Mays	Talbot, Md.
Collier	Hartman	Moon, Pa.	Taylor, Ala.
Copley	Hayes	Moore, Tex.	Taylor, Colo.
Cox, Ind.	Henry, Conn.	Morse, Wis.	Thistlewood
Cox, Ohio	Higgins	Murdock	Tilson
Crago	Hinds	Neeley	Vare
Cravens	Hobson	Nelson	Volstead
Cullop	Howell	Nye	Vreeland
Currier	Hughes, Ga.	Parran	Warburton
Dalzell	Hughes, N. J.	Patten, N. Y.	Weeks
Daugherty	Hughes, W. Va.	Porter	Wildor
Davidson	James	Pou	Wilson, N. Y.
Davis, W. Va.	Johnson, S. C.	Powers	Young, Mich.
De Forest	Jones	Prince	Young, Tex.
Dickinson	Kennedy	Prouty	

The Clerk announced the following additional pairs:

Affecting vetoes of the President:

Mr. McHENRY and Mr. BYRNES of South Carolina with Mr.

MADDEN.

Mr. DIES and Mr. TAYLOR of Colorado with Mr. AMES.

Mr. HUGHES of New Jersey and Mr. BARTLETT with Mr.

BUTLER.

Mr. SMALL and Mr. TAYLOR of Alabama with Mr. HARTMAN.

Mr. REDFIELD and Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. NEELEY and Mr. JONES with Mr. ROBERTS of Massachusetts.

Mr. DUPRÉ and Mr. SHEPPARD with Mr. KNOWLAND.

Mr. GREGG of Texas and Mr. COLLIER with Mr. WOODS of Iowa.

Mr. GLASS and Mr. DONOHUE with Mr. SLEMP.

Mr. MACON and Mr. SCULLY with Mr. BROWNING.

Mr. CULLOP and Mr. DICKINSON with Mr. HIGGINS.

Mr. BOEHNE and Mr. CLARK of Florida with Mr. FULLER.

Mr. ROBINSON and Mr. STACK with Mr. VREELAND.

Mr. PUJO and Mr. PATTEN of New York with Mr. ROBERTS of Nevada.

Mr. BARNHART and Mr. LINDSAY with Mr. HENRY of Connecticut.

Mr. HOBSON and Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. SHERWOOD and Mr. BELL of Georgia with Mr. LANGHAM.

Mr. GOULD and Mr. RUBEY with Mr. HAWLEY.

Mr. DAUGHERTY and Mr. ELLERBE with Mr. CURRIER.

Mr. BROUSSARD and Mr. BURGESS with Mr. YOUNG of Michigan.

Mr. WILSON of New York and Mr. RICHARDSON with Mr.

MARTIN of South Dakota.

Mr. HUGHES of Georgia and Mr. GARRETT with Mr. FORDNEY.

Mr. PETERS and Mr. JAMES with Mr. MCCALL.

Mr. ANDERSON of Ohio and Mr. GARNER with Mr. HINDS.

Mr. KONOP and Mr. FIELDS with Mr. LANGLEY.

Mr. YOUNG of Texas and Mr. EDWARDS with Mr. DALZELL.  
Mr. LAMB and Mr. KINDRED with Mr. MCGUIRE of Oklahoma.  
Mr. ROUSE and Mr. CRAVENS with Mr. HAYES.  
Mr. SMITH of New York and Mr. CALLAWAY with Mr. MOON of Pennsylvania.

Mr. FRANCIS and Mr. SLAYDEN with Mr. TILSON.  
Mr. MOORE of Texas and Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. COX of Ohio and Mr. LEGARE with Mr. NYE.  
Mr. COX of Indiana and Mr. LITTLETON with Mr. COPLEY.  
Mr. BATHRICK and Mr. BORLAND with Mr. ANTHONY.

Mr. FORNES and Mr. BRANTLEY with Mr. BRADLEY.  
Mr. ESTOPINAL and Mr. BURLESON with Mr. BARCHFELD.  
Mr. KONIG with Mr. MCCREARY.

Mr. LINTHICUM and Mr. MOORE of Texas with Mr. KAHN.  
Mr. SHERLEY with Mr. FAIRCHILD.  
Until further notice:

Mr. SAUNDERS and Mr. DICKSON of Mississippi with Mr. CANNON.

The SPEAKER. On this vote the yeas are 138, the nays 77, and present 12, and on reconsideration the House refuses to pass the bill over the President's veto. The Chair will recognize gentlemen from the Committee on Elections who have some privileged matters.

CONTESTED-ELECTION CASE—MURPHY AGAINST HAUGEN.

Mr. GOLDFOGLE. Mr. Speaker, I submit a report from the Committee on Elections No. 3, in the case of Murphy against Haugen, from the fourth congressional district of Iowa. This is a unanimous report and I ask the adoption of the resolution recommended by the committee.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 697 (H. Rept. 1203).

Resolved, That Gilbert N. Haugen was elected a Representative in the Sixty-second Congress from the fourth congressional district in the State of Iowa and is entitled to a seat therein.

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

PARCEL POST.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in the way of a comparison of the so-called Bourne parcel-post proposition with the Moon parcel-post proposition agreed to in the House this morning.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

Mr. HAY, Mr. SULZER, Mr. ADAMSON, and Mr. RUSSELL rose.

The SPEAKER. The Chair will recognize the gentlemen now who want to get bills into conference. The Chair will first recognize the gentleman from Virginia [Mr. HAY].

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Army appropriation bill, to disagree with the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill.

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

An act (H. R. 25531) making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

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

There was no objection.

The SPEAKER. The Clerk will announce the conferees on the part of the House.

The Clerk read as follows:

Mr. HAY, Mr. SLAYDEN, and Mr. KAHN.

CIVIL WAR PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 24626) 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, and agree to the Senate amendments.

The SPEAKER. The Clerk will report the bill.

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

An act (H. R. 24626) 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 SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

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