Also, a bill (H. R. 20239) granting an increase of pension to John Chaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20240) granting an increase of pension to Richard E. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20241) granting an increase of pension to Comfort J. Holston—to the Committee on Invalid Pensions.

By Mr. SHERMAN: A bill (H. R. 20242) for the relief of the surviving members of Company C, Twenty-sixth Regiment New York Volunteer Infantry—to the Committee on Military Affairs.

By Mr. WEISSE: A bill (H. R. 20243) granting an increase of pension to Anton Heinzen—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 20244) granting an increase of pension to Alfred Hayward—to the Committee on Invalid Pensions.

By Mr. ACHESON: A bill (H. R. 20245) to correct the military record of Corwin M. Holt—to the Committee on Military Affairs.

PETITIONS, ETC.

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

By the SPEAKER: Petition of Brotherhood of Locomotive Firemen, of Norfolk, Va., against bill H. R. 5281 (pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

Also, memorial of the legislature of California, for legislation to allow State of California 5 per cent of net proceeds of cash sales of public lands in the State—to the Committee on the Public Lands.

By Mr. ANDREWS: Petition of Out-Door Art League, of San Francisco, for passage of California 5 per cent bill—to the Committee on the Public Lands.

By Mr. BABCOCK: Protest of 125 members of Baraboo Division, No. 176, Brotherhood of Locomotive Engineers, against adoption of conference report on railway rate bill prohibiting passes to railway employees and their families—to the Committee on Interstate and Foreign Commerce.

By Mr. BROUSSARD: Paper to accompany bill for relief of estate of Jean Cheri Verneuil, Orleans Parish, La.—to the Committee on War Claims.

By Mr. CLARK of Florida: Paper to accompany bill for relief of Ellen Downing—to the Committee on Pensions.

Also, petition for bill H. R. 4549 (consolidation of third and fourth class mail matter)—to the Committee on the Post-Office and Post-Roads.

By Mr. ESCH: Petition of F. W. Storandt, Mindoro, Wis., for pure-food bill and Federal inspection of meat packing—to the Committee on Interstate and Foreign Commerce.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Aaron D. Bright—to the Committee on Claims.

Also, paper to accompany bill for relief of Henry C. Joseph—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of Merchants' Association of New York, for appropriation for lighting Statue of Liberty in New York Harbor—to the Committee on Appropriations.

By Mr. HEDGE: Petition of O. F. Shaffer, Wellman, Iowa; Laughlin & Orn, New London, Iowa; J. R. Hughes, Mount Pleasant, Iowa, and Henry Wallingford, Bonaparte, Iowa, for pure-food bill and Federal inspection of meat packing and slaughtering—to the Committee on Interstate and Foreign Commerce.

By Mr. HINSHAW: Petition of Cummings & Laughlin, Beatrice, Nebr., for a pure-food law and for complete Federal inspection law—to the Committee on Interstate and Foreign Commerce.

Also, petition of John P. Jansen & Son, favoring the Government assuming cost of meat inspection—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAM W. KITCHIN: Paper to accompany bill for relief of S. H. Williamson—to the Committee on Claims.

By Mr. LACEY: Petitions of Henry A. Der, Malcom; Snodgrass Brothers, Milton; J. C. Nordyke, Richland; J. F. Blankenfeld, Malcom; H. Roher, Grinnell; T. B. O'Brien, John Ballisberger, and J. S. McLain, Fremont; A. C. Brudy, Richland; William F. Jager, Eddyville; C. W. Robert, Hedrick; James T. Risk, Hedrick; R. M. Janes, Borns; and Conrad Hay, all in the State of Iowa, for the pure-food bill and Federal inspection of beef-packers' products—to the Committee on Interstate and Foreign Commerce.

By Mr. MACON: Paper to accompany bill for relief of estate of Q. K. Underwood, Phillips County, Ark.—to the Committee on War Claims.

By Mr. PADGETT: Paper to accompany bill for relief of M. B. Carter, executor of Fountain B. Carter—to the Committee on War Claims.

By Mr. PAYNE: Paper to accompany bill for relief of Joseph N. Cadieux—to the Committee on Invalid Pensions.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Edwin D. Bates—to the Committee on Invalid Pensions.

By Mr. STERLING: Petition of H. S. Seitz, Normal, Ill., for pure-food law and meat inspection by the Government—to the Committee on Agriculture.

By Mr. THOMAS of North Carolina: Paper to accompany bill for relief of R. S. Petway—to the Committee on War Claims.

By Mr. WANGER: Petition of Brotherhood of Locomotive Firemen, against bill H. R. 5281 (pilotage bill)—to the Committee on the Merchant Marine and Fisheries.

SENATE.

FRIDAY, *June 15, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

NAMING A PRESIDING OFFICER.

Mr. KEAN called the Senate to order, and the Assistant Secretary read the following letter:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
June 15, 1906.

To the Senate:

Being temporarily absent from the Senate, I hereby appoint Senator JOHN KEAN to perform the duties of the Chair.

WM. P. FRYE,
President pro tempore.

Mr. KEAN thereupon took the chair as Presiding Officer, and directed that the Journal be read.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDING OFFICER (Mr. KEAN). The Journal will stand approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 12707. An act to enable the people of Oklahoma and Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and

H. R. 19432. An act to authorize additional aids to navigation in the Light-House Establishment.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.; and

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.

The message further announced that the House had agreed to the concurrent resolution of the Senate requesting the President to return to the Senate the bill (S. 1510) granting an increase of pension to Byron K. May.

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 Presiding Officer:

H. R. 9813. An act granting a pension to Harriet P. Sanders;

H. R. 15331. An act making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907;

H. R. 17510. An act to provide for a reconnoissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula, in Alaska, and for other purposes;

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

H. R. 17663. An act to extend the provisions of the act of March 3, 1901, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections 1506 and 1605 for eminent and conspicuous conduct in battle;

H. R. 17983. An act providing for the erection of a monument on Kings Mountain battle ground commemorative of the great victory gained there during the war of the American Revolution on October 7, 1780, by the American forces;

H. R. 18330. An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa;

H. R. 19150. An act to change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee, at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes; and

H. R. 19642. An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations.

PETITIONS AND MEMORIALS.

Mr. KNOX presented memorials of Local Lodge No. 498, Brotherhood of Railroad Trainmen, of Huntingdon; of Local Lodge No. 742, Brotherhood of Railroad Trainmen, of Blairsville; of Local Lodge No. 321, Brotherhood of Railroad Trainmen, of Pittsburg, and of 83 railway employees of Pittsburg, all in the State of Pennsylvania, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" to prohibit the issuance of passes to railroad employees and their families; which were ordered to lie on the table.

He also presented memorials of the Beatty Nickle Oil Company, of Warren; of J. C. McDowell, of Independence; of Jerry Crary, of Warren; of Freeman E. Hertzle, of Warren, and of J. N. Pew, of Pittsburg, all in the State of Pennsylvania, remonstrating against the adoption of a certain amendment to the so-called "railroad rate bill" in relation to pipe lines; which were ordered to lie on the table.

Mr. DANIEL presented a petition of Local Union No. 47, Journeymen Tailors' Union of America, of Lynchburg, Va., praying for the passage of the so-called "eight-hour bill;" which was referred to the Committee on Education and Labor.

REPORTS OF COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. ALLEE, from the Committee on the District of Columbia, to whom was referred the bill (S. 6322) providing for the purchase of a reservation for a public park in the District of Columbia, reported it without amendment, and submitted a report thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 18666) to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 14511) amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 5565) to close certain alleys in the District of Columbia, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, submitted adverse reports thereon; which were agreed to, and the bills were postponed indefinitely:

A bill (S. 60) authorizing the extension of Kalorama road NW.; and

A bill (S. 5882) to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes.

Mr. LONG, from the Committee on the District of Columbia, to whom was referred the bill (H. R. 17452) to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company, reported it without amendment, and submitted a report thereon.

DISPOSITION OF USELESS PAPERS.

Mr. PETTUS, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted the following report; which was read, and ordered to lie on the table:

The Joint Select Committee of the Senate and House of Representatives, appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of Departments, bureaus, etc., in respect to the accumulation therein of old and useless files of papers which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the Executive Departments," approved February 16, 1889, as follows:

Your committee have met, and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee and the statements of the condition and the character of such files and papers therein described, and we find and report that the files and papers described in the report of the Secretary of the Treasury in House Document No. 689, Fifty-ninth Congress, first session, dated April 9, 1906, and in the report of the Secretary of Commerce and Labor in House Document No. 608, Fifty-ninth Congress, first session, dated March 8, 1906, and in the report of the Secretary of the Interior in House Document No. 916, Fifty-ninth Congress, first session, dated May 18, 1906, are not needed in the transaction of the current business of such Departments and bureaus, and have no permanent value or historical interest, and should be sold for waste paper, or otherwise disposed of, upon the best obtainable terms, as provided by law.

Respectfully submitted to the Senate and House of Representatives.

E. W. PETTUS,
J. H. GALLINGER,
Members on the part of the Senate.

ARTHUR L. BATES,
J. M. RICHARDSON,
Members on the part of the House.

EXTENSION OF PUBLIC LAND LAWS.

Mr. SMOOT. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 12323) to extend the public land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, to report it favorably, without amendment, and I ask for its immediate consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HANSBROUGH. A bill of like import has passed the Senate, and I desire to offer it as an amendment to the pending bill.

The PRESIDING OFFICER. The Senator from North Dakota offers an amendment, which will be read.

The SECRETARY. Add as an additional section to the bill the following:

SEC. 2. That all persons now having or who may hereafter file homestead applications upon any of the lands situate within the abandoned Fort Rice Military Reservation, in the State of North Dakota, shall be entitled to a patent to the land filed upon by such person upon compliance with the provisions of the homestead law of the United States and proper proof thereof, and shall not be required to pay the appraised values of such lands in addition to such compliance with the said homestead law.

The amendment was agreed to.

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

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: "A bill to extend the public land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, and for other purposes."

EVERGLADES OF FLORIDA.

Mr. FRAZIER. I am directed by the Committee on Agriculture and Forestry, to whom was referred the joint resolution (S. R. 65) directing the Secretary of Agriculture to cause a survey of the Everglades of Florida to determine the feasibility and cost of draining said Everglades, and for other purposes, to report it favorably with an amendment.

Mr. MALLORY. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDING OFFICER. The joint resolution will be read.

Mr. GALLINGER. Let it be read for information.

The Secretary read the joint resolution, as follows:

Resolved, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause a survey of the Everglades of Florida to be made, with a view to ascertaining and determining the feasibility and probable cost of reclaiming and draining said Everglades for agricultural purposes, and also to cause an examination of the soil in said Everglades with a view to determining its quality and adaptability and probable productiveness when reclaimed and devoted to agricultural purposes.

SEC. 2. That the sum of $10,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying out the requirements of this resolution, and that said sum of $10,000, or so much thereof as may be necessary, be reserved from the sales of public lands in the State of Florida and paid into the Treasury of the United States in lieu of any portion of the $10,000 hereby appropriated for the purposes designated by this resolution.

SEC. 3. That the Secretary of Agriculture report to Congress at as early a day as possible the result of said surveys, with such recommendations as he may think proper to make.

Mr. GALLINGER. Mr. President, I want to ask the Senator from Florida a question concerning this matter. How extensive in area are the so-called "Everglades" of Florida?

Mr. MALLORY. They have never been surveyed. My estimate is that there are about 2,000,000 acres.

Mr. GALLINGER. How much does the Senator think it would cost the Government to drain those 2,000,000 acres?

Mr. MALLORY. This measure does not propose that the Government shall drain it, but simply to ascertain whether it is feasible for drainage. The Everglades are subject to overflow from Lake Okeechobee. Lake Okeechobee is a large lake, some 40 miles long and 40 miles wide. It overflows annually and floods the Everglades and makes them uninhabitable. Whether the lands are drainable or can be reclaimed is a mooted question, and it has not been settled. The authorities of the State of Florida have been considering it for some time, and they are contemplating making an effort to drain them; but there really has been no survey made and nothing to determine that the project is feasible.

Mr. GALLINGER. I will ask the Senator if it is not safe to assume that if the Government determines that this is a feasible scheme, an appropriation will be asked for that purpose?

Mr. MALLORY. I do not think so, for this reason: I think that ultimately the lands will go to the State of Florida. I think they would go to the State of Florida now if they had been surveyed, but they have not been surveyed, and of course can not go, under the circumstances.

Mr. GALLINGER. I have asked these questions for the reason that there is not a State in the Union, great or small, that has not swamp lands which it would be desirable to drain and make good agricultural lands if it could be brought about in that way.

I notice a disposition to divert a portion of the irrigation fund to purposes of drainage. In other words, we passed a law to procure water for agricultural purposes, and now we are asked to divert a part of that fund for the purpose of getting rid of water.

Mr. MALLORY. Unfortunately we in Florida are situated exactly in the opposite position from what they are in the West.

Mr. GALLINGER. Yes; I know that.

Mr. MALLORY. But the principle is the same. We only propose to use money received from the sale of public lands in the State of Florida for this purpose, not for the purpose of draining the land, but to ascertain whether it is drainable. If the question should come up hereafter, and the Government is asked to pay, the Senator would possibly object to it.

Mr. HANSBROUGH. Mr. President——

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

Mr. GALLINGER. I yield to the Senator.

Mr. HANSBROUGH. I presume the Senator from New Hampshire refers to the bill which passed the Senate recently providing for the setting aside of $1,000,000 of moneys arising from the sale of public lands in the State of North Dakota to be used for the purpose of drainage. I will ask the Senator if he can find any constitutional distinction between the irrigation law, which provides for putting water on land, and any drainage bill which provides for taking water off of land?

Mr. GALLINGER. Mr. President, I am not going to enter into a constitutional argument on this question. I merely want to say that if we are to stand by the irrigation project, which every eastern Senator voted for and which I believe to be a good thing, and if we are now to go into the matter of draining all the swamp lands of the West and the South, of course, Senators representing the northern country will ask that their swamps shall be drained. It is to my mind a very serious matter that we are entering upon a scheme of legislation which will become exceedingly troublesome in the future.

I am not going to object to the consideration of the joint resolution, but I wanted this information before it was voted on, because I want to give notice that if this is to be policy, we have not any lands in the North which need irrigation that I am aware of, but we have a great many thousands of acres of land that need drainage, and we are going to get into that game, if it is to be the policy of the Government.

Mr. TILLMAN. Mr. President——

Mr. BACON. Are there any Government lands in the Senator's State?

Mr. GALLINGER. No, sir.

Mr. BACON. These are Government lands.

Mr. GALLINGER. I will ask the Senator whether the Everglades of Florida are Government lands? I think they are not.

Mr. MALLORY. As I have stated, they will ultimately go to the State, but they have never been surveyed.

Mr. GALLINGER. But they are not now Government lands. So the suggestion of the Senator from Georgia does not apply to the Everglades of Florida.

Mr. BACON. I understand the Senator to say that ultimately they will go to the State, but that they are now the property of the Government.

Mr. GALLINGER. Ultimately we would like to sell our swamps to the Government.

Mr. BACON. The title is now in the United States Government.

Mr. TILLMAN. Mr. President, I wish to suggest to the Senator from New Hampshire that there are a good many swamps up and down the Atlantic coast, some in New England, some in Louisiana, Mississippi, and elsewhere—South Carolina has some—and when those of us who have swamps see the beneficence of this Government expended in putting water by irrigation on arid lands and in draining, as the Senator from North Dakota obtained the passage of a bill through the Senate—I do not know what was done with it in the House—to take water off of land in his State, I agree with the Senator from New Hampshire that if this kind of cake is to be served out I will want my piece of it.

Mr. GALLINGER. That is right.

Mr. HANSBROUGH. Mr. President, I crave the indulgence of the Senate for a few moments, that I may explain the bill which passed this body some two months ago. I do not propose to interfere with the Senator's joint resolution, and I will not object to its consideration, of course.

The situation in North Dakota is this: That State has put into the reclamation fund up to date about $5,000,000. It will be impossible for us to expend there for irrigation more than $500,000. In the eastern part of my State, in the great Red River Valley, there are a million acres of land to-day under water, the result of excessive rainfall. That has been the condition in that section for the last seven or eight years.

So, Mr. President, it occurred to me at the opening of the present session that it would be a good idea if North Dakota might be allowed to use a portion of the money arising from the sale of public lands within that State to drain the water off of land in the Red River Valley, and that was the nature of the bill which was passed by the Senate and is now in the House of Representatives.

Mr. STONE. Mr. President——

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

Mr. HANSBROUGH. Certainly.

Mr. STONE. I desire to ask the Senator from North Dakota if the lands that would be drained under the bill he introduced, which has passed the Senate, and which I understand has been favorably reported from the House committee to that body, would be private lands—lands belonging to individuals—or would public lands only be drained?

Mr. HANSBROUGH. Both private and public, but the larger portion of the lands are in private ownership. I will say to the Senator from Missouri that there is not an irrigation project to-day contemplated by the Reclamation Service that is not largely composed of private lands. So there can be no distinction, it seems to me, in that respect.

Mr. STONE. I should like to say, if the Senator will permit me——

Mr. HANSBROUGH. Certainly.

Mr. STONE. I voted for the bill and approved of it, and I do yet. I think there is no more reason why money should be expended to reclaim lands by putting water on them, than it should be expended to reclaim them by taking water off. I agree to that. We have in my State the St. Francis River, which runs through the southeastern part of Missouri and the northeastern part of Arkansas and empties into the Mississippi River. Along the St. Francis River in the State of Missouri alone there are 6,000 square miles of as fertile land as can be found on earth, largely covered by water. A movement is now on foot among the people in that part of Missouri and in that part of Arkansas to secure Congressional action looking to the reclamation of those lands.

Mr. TILLMAN. Are those the lands that were submerged by the New Madrid earthquake?

Mr. STONE. Yes, sir.

Mr. TILLMAN. I thought so.

Mr. HANSBROUGH. I want to say on this general question of drainage, that so far as I am concerned I would be very glad to favor any proposition which would relieve the situation in any of the States of the Union, whether it be in New Hampshire, or Missouri, or Arkansas, or South Carolina, or elsewhere, with respect to drainage, and I believe it is proper for this Government to favor an enterprise of that kind.

Mr. TILLMAN. Mr. President, I understand the Senator——

Mr. BURROWS. Mr. President——

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

Mr. HANSBROUGH. Certainly.

Mr. BURROWS. Mr. President, it is apparent that this matter is of such moment as to consume much time in debate if it is considered now. This is entering upon a new field of legislation, it seems to me, and if this policy is to be entered upon, we have a large quantity of land in my State that we will want to have drained by the Government of the United States.

Mr. HANSBROUGH. I would favor including Michigan in the list of States to be benefited by it.

Mr. BURROWS. Mr. President, I object to the present consideration of the joint resolution.

The PRESIDING OFFICER. Objection is made, and the joint resolution goes to the Calendar.

Mr. HALE. Let it go to the Calendar under Rule IX.

Mr. BERRY. I hope it will go over without prejudice to it, if the Senator from Maine objects to its consideration.

Mr. HANSBROUGH. I should be glad to have the joint resolution go over without prejudice. I certainly did not intend——

Mr. BERRY. If the Senator from Maine will permit me, this is not a proposition to drain land, but it is simply a proposition to survey land that has never been surveyed by the Government.

Mr. HALE. I am not debating the merits of the joint resolution. The Senator from Michigan has objected to its consideration.

Mr. BERRY. I hope it will not be put in a position where it can not be called up.

Mr. HALE. I do not propose that it shall be called up in the absence of Senators who take an interest in it.

Mr. BERRY. I do not suppose the Senator means that anybody will try to take that advantage.

Mr. HALE. Mr. President, what will be the result of the objection?

The PRESIDING OFFICER. The joint resolution goes to the Calendar.

Mr. HANSBROUGH. I hope it will go to the Calendar without prejudice, and that the Senator from Maine will withdraw his request.

The PRESIDING OFFICER. The Chair does not think it could go elsewhere than to the regular Calendar, because it was reported this morning.

BILLS INTRODUCED.

Mr. BURROWS introduced a bill (S. 6463) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. TELLER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6464) granting an increase of pension to Simon Collier;

A bill (S. 6465) granting an increase of pension to Jason Shaeffer; and

A bill (S. 6466) granting an increase of pension to Samuel Moser (with an accompanying paper).

Mr. McCUMBER introduced a bill (S. 6467) granting an increase of pension to John M. Smith; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SUTHERLAND (for Mr. NIXON) introduced a bill (S. 6468) ceding certain lands appertaining to the post-office building at Reno, Nev., for use as a street; which was read twice by its title, and referred to the Committee on Public Lands and Grounds.

Mr. WARNER introduced a bill (S. 6469) granting an increase of pension to John W. Hudson; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6470) in relation to the Washington Market Company; which was read twice by its title, and, with the accompanying paper, referred to the Committee on the District of Columbia.

Mr. ALDRICH introduced a bill (S. 6471) granting an increase of pension to Ella E. Kenney; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 6472) granting an increase of pension to John McDonough; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 6473) for the relief of Elizabeth Bevins; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6474) for the relief of Henry H. Baxter; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

He also introduced a bill (S. 6475) granting an increase of pension to Harvey Key; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. GALLINGER submitted an amendment providing for the publication of the names of heads of families of the First Census of the United States, intended to be proposed by him to the sundry civil appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. MILLARD submitted an amendment providing that the provisions of the act of August 1, 1892, and of February 27, 1906, relative to the hours of daily service of laborers and mechanics employed upon the public works of the United States and the District of Columbia, shall not apply to unskilled alien laborers employed in the construction of the isthmian canal within the Canal Zone, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment proposing to pay to George R. Butlin, J. B. Haynes, and Ernest H. Djureen $500 each, for services rendered by them in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Interoceanic Canals, and ordered to be printed.

COMMITTEE ON EXAMINATION AND DISPOSITION OF DOCUMENTS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That there shall be added to the Select Committees of the Senate the Committee on Examination and Disposition of Documents.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the following constitute the Select Committee of the Senate on Examination and Disposition of Documents: Mr. BENSON (chairman), Messrs. KEAN, HOPKINS, GEARIN, and WHYTE.

Mr. HALE submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Select Committee on Examination and Disposition of Documents be authorized to employ a messenger at $1,440 per annum, the same to be paid out of the contingent fund of the Senate.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Appropriations be authorized and instructed to provide for a clerk of the Select Committee on Examination and Disposition of Documents, at an annual salary of $1,800.

ASSISTANT CLERK TO COMMITTEE ON MILITARY AFFAIRS.

Mr. WARREN submitted the following resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the salary of the assistant clerk to the Committee on Military Affairs, authorized by resolution of June 5, 1902, at $1,440 per annum be, and it is hereby, increased to $1,800 per annum, to be paid from the contingent fund of the Senate until otherwise provided by law.

WITHDRAWAL OF PAPERS—WILLIAM C. PATTEN.

On motion of Mr. CLARKE of Arkansas, it was

Ordered, That on the application of William C. Patten, he is authorized to withdraw from the files of the Senate all papers accompanying Senate bill No. 5907, Fifty-seventh Congress, first session, entitled "A bill to correct the military record of William C. Patten," there having been no adverse report thereon.

BLACKFEET INDIAN RESERVATION, IN MONTANA.

Mr. CLARK of Montana 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. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement, 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 amendment of the Senate and agree to the same with an amendment as follows:

Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Interior is hereby authorized and directed to immediately cause to be surveyed all of the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana.

"SEC. 2. That so soon as all the lands embraced within the Blackfeet Indian Reservation shall have been surveyed the Commissioner of Indian Affairs shall cause allotments of the same to be made under the provisions of the allotment laws of the United States to all persons having tribal rights or holding tribal relations and may rightfully belong on said reservation. That there shall be allotted to each member forty acres of irrigable land and two hundred and forty acres of additional land valuable only for grazing purposes, or, at the option of the allottee, the entire two hundred and eighty acres may be taken in land valuable only for grazing purposes, and for the irrigable lands allotted there is hereby reserved out of the waters of the reservation sufficient to irrigate said irrigable lands, and the United States shall and does hold said reserved water in trust as appurtenant to the lands so allotted for the trust period named in the patent to be issued: *Provided*, That such reservation and trust shall only apply to such waters as may be actually and necessarily appropriated for the irrigable portions of Indian allotments within two years from the date of the issuance of the proclamation by the President opening the unallotted lands to settlement; and pending such actual appropriation of water by and for any Indian allottee, all of said waters shall be subject to use under the laws of Montana, but such use shall not be held to create a right adverse to any Indian allottee who actually appropriates water or for whom an actual appropriation of water is made to the extent that may be necessary for use on the allotment within the time limit aforesaid, but, on the contrary, each Indian allottee shall have and enjoy the prior right to appropriate water actually necessary for the irrigation of his or her allotment at any time within two years after the issue of the President's proclamation aforesaid: *And provided further*, That, subject to the foregoing provisions, all water rights and privileges on or connected with streams within or adjoining said reservation shall be subject to the laws of the State of Montana: *Provided further*, That the Secretary of the Interior may reserve such lands as he may deem necessary for agency, school, and religious purposes, to remain reserved so long as needed and so long as agency, school, or religious institutions are maintained thereon for the benefit of the Indians, not exceeding two hundred and eighty acres to any one religious society; also such tract or tracts of timber lands as he may deem expedient for the use and benefit of the Indians of said reservation in common; but such reserved lands, or any part thereof, may be disposed of from time to time in such manner as the said Secretary may determine: *Provided*, That there is hereby granted two hundred and eighty acres each to the Holy Family mission, on Two Medicine Creek, and the mission of the Methodist Episcopal Church, near Browning, to be selected by the authorities of said missions, respectively, embracing the mission buildings and improvements thereon.

"SEC. 3. That upon the completion of said allotments the President of the United States shall appoint a commission consisting of three persons to inspect, appraise, and value all of the said lands that shall not have been allotted in severalty to said Indians or reserved by the Secretary of the Interior or otherwise disposed of; said commission to be constituted as follows: One commissioner shall be a person holding tribal relations with said Indians, one a resident citizen of the State of Montana, and one a United States special Indian agent or Indian inspector of the Interior Department.

"That within thirty days after their appointment said commissioners shall meet at some point within the Blackfeet Indian Reservation and organize by the election of one of their number as chairman. Said commission is hereby empowered to select a clerk at a salary of not to exceed five dollars per day.

"That said commissioners shall then proceed to personally inspect and classify and appraise, by the smallest legal subdivisions of forty acres each, all of the remaining lands embraced within said reservation. In making such classification and appraisement said lands shall be divided into the following classes: First, agricultural land of the first class; second, agricultural land of the second class; third, grazing land; fourth, timber land; fifth, mineral land, not to be appraised.

"That said commissioners shall be paid a salary of not to exceed ten dollars per day each while actually employed in the inspection and classification of said lands; such inspection and classification to be completed within nine months from the date of the organization of said commission.

"SEC. 4. That when said commission shall have completed the classification and appraisement of all of said lands and the same shall have been approved by the Secretary of the Interior, the land shall be disposed of under the general provisions of the homestead, mineral, and town-site laws of the United States, except such of said lands as shall have been classified as timber lands, and except such sections sixteen and thirty-six of each township, or any part thereof, for which the State of Montana has not heretofore received indemnity lands under existing laws, which sections, or parts thereof, are hereby granted to the State of Montana for school purposes. And in case either of said sections or parts thereof is lost to the State of Montana by reason of allotment thereof to any Indian or Indians, or otherwise, the governor of said State, with the approval of the Secretary of the Interior, is hereby authorized to select other lands not occupied or reserved within said reservation, not exceeding two sections in any one township, which selections shall be made prior to the opening of the lands to settlement: *Provided*, That the United States shall pay to the said Indians for the lands in said sections sixteen and thirty-six, so granted, or the lands within said reservation selected in lieu thereof, the sum of one dollar and twenty-five cents per acre.

"SEC. 5. That the lands so classified and appraised shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, or enter any of said lands, except as prescribed in such proclamation, until after the expiration of sixty days from the time when the same are opened to settlement and entry: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and the Spanish wars and the Philippine insurrection, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the act of March first, nineteen hundred and one, shall not be abridged, but no entry shall be allowed under section twenty-three hundred and six of the Revised Statutes: *Provided further*, That the price of said lands shall be the appraised value thereof, as fixed by said commission, which in no case shall be less than one dollar and twenty-five cents per acre for agricultural and grazing lands and five dollars per acre for timber lands; but settlers under the homestead law who shall reside upon and cultivate the land entered in good faith for the period required by existing law shall pay one-fifth of the appraised value in cash at the time of entry and the remainder in five equal annual installments, to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and when the entryman shall have complied with all the requirements and terms of the homestead laws as to settlement and residence, and shall have made all the required payments aforesaid, he shall be entitled to a patent for the lands entered: *Provided*, That he shall make his final proofs in accordance with the homestead laws within seven years from date of entry, and that aliens who have declared their intention to become citizens of the United States may become such countrymen, but before making final proof and receiving patent they must receive their full naturalization papers: *And provided further*, That the fees and commissions at the time of commutation or final entry shall be the same as are now provided by law where the price of land is one dollar and twenty-five cents per acre: *Provided*, That if any entryman fails to make such payments, or any of them, within the time stated, or to make final proof within seven years from date of entry, all rights in and to the land covered by his entry shall at once cease, and any payments theretofore made shall be forfeited and the entry shall be forfeited and canceled: *Provided*, That nothing in this act shall prevent homestead settlers from commuting their entries under section twenty-three hundred and one, Revised Statutes, by paying for the land entered the price fixed by said commission, receiving credit for payments previously made.

"SEC. 6. That if, after the approval of the classification and appraisement, as provided herein, there shall be found lands within the limits of the reservation under irrigation projects deemed practicable under the provisions of the act of Congress approved June seventeenth, nineteen hundred and two, known as the "reclamation act," said lands shall be subject to withdrawal and be disposed of under the provisions of said act, and settlers shall pay, in addition to the cost of construction and maintenance provided therein, the appraised value, as provided in this act, to the proper officers, to be covered into the Treasury of the United States for the credit of the Indians: *Provided*, That all lands hereby opened to settlement remaining undisposed of at the end of five years from the taking effect of this act shall be sold to the highest bidder for cash, at not less than one dollar and twenty-five cents per acre, under rules and regulations prescribed by the Secretary of the Interior; and any lands remaining unsold ten years after said lands shall have been opened to entry shall be sold to the highest bidder, for cash, without re-

gard to the minimum limit above stated: *Provided*, That not more than six hundred and forty acres of land shall be sold to any one person or company.

"SEC. 7. That the lands within said reservation not already previously entered, whether classified as agricultural, grazing, timber, or mineral lands, shall be subject to exploration, location, and purchase under the general provisions of the United States mineral and coal land laws, at the prices therein fixed, except that no mineral or coal exploration, location, or purchase shall be permitted upon any lands allotted to an Indian.

"SEC. 8. That lands classified and returned by said commission as timber lands shall be sold and disposed of by the Secretary of the Interior, under sealed bids to the highest bidder for cash at not less than five dollars per acre, under such rules and regulations as he may prescribe: *Provided*, That the said timber lands shall be sold in tracts not exceeding forty acres, with preference right of purchase to actual settlers, including Indian allottees residing in the vicinity, at the highest price bid.

"SEC. 9. That after deducting the expenses of the commission of classification, appraisement, and sale of lands, and such other incidental expenses as shall have been necessarily incurred, including the cost of survey of said lands, the balance realized from the proceeds of the sale of the lands in conformity with this act shall be paid into the Treasury of the United States and placed to the credit of said Indian tribe. Not exceeding one-third of the total amount thus deposited in the Treasury, together with one-third of the amount of the principal of all other funds now placed to the credit of or which is due said tribe of Indians from all sources, shall be expended from time to time by the Secretary of the Interior as he may deem advisable for the benefit of said Indians, in the construction and maintenance of irrigation ditches, the purchase of stock cattle, horses, and farming implements, and in their education and civilization. The remainder of all funds deposited in the Treasury realized from such sale of lands herein authorized, together with the remainder of all other funds now placed to the credit of or that shall hereafter become due to said tribe of Indians, shall, upon the date of the approval by the Secretary of the Interior of the allotments of land authorized by this act, be allotted in severalty to the members of the tribe, the persons entitled to share as members in such distribution to be determined by said Secretary. The funds thus allotted and apportioned shall be placed to the credit of such individuals upon the books of the United States Treasury for the benefit of such allottees, their legatees, or heirs. The President may, by Executive order, from time to time order the distribution and payment of such funds or the interest accruing therefrom to such individual members of the tribe as in his judgment would be for the best interests of such individuals to have such distribution made, under such rules and regulations as he may prescribe therefor: *Provided*, That so long as the United States shall hold the funds as trustee for any member of the tribe, the Indian beneficiary shall be paid interest thereon annually at the rate of four per centum per annum.

"SEC. 10. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of sixty-five thousand dollars, or so much thereof as may be necessary, to pay for the lands granted to the State of Montana and for lands reserved for agency and school purposes, at the rate of one dollar and twenty-five cents per acre; also, the sum of seventy-five thousand dollars, or so much thereof as may be necessary, to enable the Secretary of the Interior to survey, classify, and appraise the lands of said reservation as provided herein, and also to defray the expense of the appraisement and survey of said town sites, the latter sums to be reimbursable out of the funds arising from the sale of said lands.

"SEC. 11. That nothing in this act contained shall in any manner bind the United States to purchase any part of the land herein described, except sections sixteen and thirty-six, or the equivalent in each township that may be granted to the State of Montana, the reserved tracts hereinbefore mentioned for agency and school purposes, or to dispose of said land except as provided herein, or to guarantee to find purchasers for said lands or any part thereof, it being the intention of this act that the United States shall act as trustee for said Indians to dispose of said lands and to expend and pay over the proceeds received from the sale thereof only as received.

"SEC. 12. That the Secretary of the Interior is hereby authorized and directed to reserve and set aside for town-site purposes, and to survey, lay out, and plat into town lots, streets, alleys, and parks, not less than eighty acres of said land at or near the present settlements of Browning and Babb, and each of such other places as the Secretary of the Interior may deem necessary or convenient for town sites, in such manner as will best subserve the present needs and the reasonable prospective growth of said settlements. Such town sites shall be surveyed, appraised, and disposed of as provided in section twenty-three hundred and eighty-one of the United States Revised Statutes: *Provided*, That any person who at the date when the appraisers commence their work upon the land, shall be an actual resident upon any one such lot and the owner of substantial and permanent improvements thereon, and who shall maintain his or her residence and improvements on such lot to the date of his or her application to enter, shall be entitled to enter at any time prior to the day fixed for the public sale, and at the appraised value thereof, such lot and any one additional lot of which he or she may also be in possession and upon which he or she may have substantial and permanent improvements: *Provided further*, That before making entry of any such lot or lots, the applicant shall make proof to the satisfaction of the register and receiver of the land district in which the land lies of such residence, possession, and ownership of improvements, under such regulations as to time, notice, manner, and character of proof as may be prescribed by the Commissioner of the General Land Office, with the approval of the Secretary of the Interior: *Provided further*, That in making their appraisal of the lots so surveyed it shall be the duty of the appraisers to ascertain the names of the residents upon and occupants of any such lots, the character and extent of the improvements thereon, and the name of the reputed owner thereof, and to report their findings in connection with their report of appraisal, which report of findings shall be taken as prima facie evidence of the facts therein set out. All such lots not so entered prior to the day fixed for the public sale shall be offered at public outcry in their regular order with the other unimproved and unoccupied lots: *Provided, however*, That no lot shall be sold for less than ten dollars: *And provided further*, That said lots when surveyed shall approximate fifty by one hundred and fifty feet in size."

W. A. CLARK,
FRED T. DUBOIS,
MOSES E. CLAPP,
Managers on the part of the Senate.

J. S. SHERMAN,
CHAS. CURTIS,
WM. T. ZENOR,
Managers on the part of the House.

The report was agreed to.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.; and

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On June 11:

S. 4299. An act to amend section 4421 of the Revised Statutes of the United States, inspection of steam vessels;

S. 6329. An act authorizing James A. Moore or his assigns to construct a canal along the Government right of way connecting the waters of Puget Sound with Lake Washington; and

S. 2623. An act for the extension of Euclid street, in Meridian Hill, District of Columbia.

On June 14:

S. 2418. An act to enable the Indians allotted lands in severalty within the boundaries of drainage district No. 1, in Richardson County, Nebr., to protect their lands from overflow, and for the segregation of such of said Indians from their tribal relations as may be expedient, and for other purposes.

STATISTICS RELATIVE TO THE SUEZ CANAL.

Mr. MORGAN. Mr. President, I ask an order for the printing of a letter which I hold in my hand on a very important subject that is now before the Senate.

In our duties that we are performing now daily under the regular order that has been on the Calendar before the Senate, the Senate and the country are having a great deal of anxiety about the amount of money that is to be expended in the construction of the Panama Canal, no matter whether it is a sea-level or whether it is a lock canal, and they seem to have lost sight of the question which lies still further off, as to whether

this is going to be a remunerative enterprise in either form or type of canal that may be constructed.

I took occasion to write to Gen. George W. Davis, who is the best informed man whom I know of, in regard to the situation of the Suez Canal, as to its capitalization, as to its reserve funds, as to the dividends upon the stock, and the amount of tonnage which passes through that canal. He very kindly replied to my inquiries, and I will read the letter to the Senate in order that they may have some idea of its importance:

[Senate Document No. 492, Fifty-ninth Congress, first session.]

Letter from Mr. George W. Davis, giving certain data relating to the Suez Canal.

WASHINGTON, *D. C., June 14, 1906.*

MY DEAR SENATOR: Replying to your favor of yesterday, I give you the following data respecting the Suez Canal:

The original capital of the company, issued before 1870, was 400,000 shares, at 500 francs each; but these securities do not answer to our definition either of stocks or bonds, as they partake of the character of both. Under the terms of issue there was a condition that the shares could be redeemed in certain proportions at stated periods and that when redeemed they should be no longer an interest-bearing security, but should continue to constitute an asset to the original owner of the shares to the extent that he should participate in all surplus benefits earned by the company; but the interest provided by the statute—5 per cent—stopped when the bond should be called for redemption.

On the 31st of December, 1904, there were 385,460 of these shares still outstanding, and they continued to enjoy participation in the surplus benefits or profits of the company. But the interest on the residue of these bonds had ceased; that is to say, on 14,600 shares. The other outstanding securities of the Suez Canal Company are bond issues, as follows: First, an issue of 400,000 shares, at 85 francs, put out in order to take up unpaid coupons on the original issue, this being really to make good a deficit arising in the earlier years of the operation of the company, when its revenues were small. These bonds were entitled to 5 per cent interest, and the value of those still unredeemed and outstanding is 32,919,310 francs. Of the loan of 1867–68, which was in 300-franc shares, there was still outstanding on the date above specified 53,160,600 francs. In 1871 a still further issue of 100-franc shares was made, of which are yet unpaid 1,678,000 francs. A further loan was made in 1880 at 3 per cent, of which 24,575,770 francs remained unpaid at the end of 1904.

In 1887 there was still a further loan negotiated at 3 per cent, the aggregate of which still remaining unredeemed is 97,362,450 francs. The aggregate of all these issues, stock and bonds, came to the total of 402,296,130 francs, or $80,500,000. This is all of the capital stock of the Suez Canal Company, except that there remains an obligation resting on the company to pay 10 per cent of their surplus profits to the original founders, constituting all those who formed the original company that Mr. De Lesseps exploited. These founders' interests are divided into 100,000, and each now receives about one-half as much annually as the owners of each original share received.

The only reserve of which I can get any trace, maintained by the Suez Canal Company, is one of $5,000,000, which is required by the statute to be maintained, so as to equalize profits and losses and to provide for emergencies. There is another fund of small amount maintained as a pension and retirement fund, disbursed for the benefit of employees of long standing and of recognized merit. But the aggregate of this fund is not a large one.

The last quotation for Suez Canal stock that I have seen is for May, 1906, when it was quoted at the Bourse as 4,515 francs. As the par value of the share is 500 francs, you can readily see that these securities are at 900 per cent premium.

The dividend paid last year on the original shares was a net of 141 francs per share. This included the 25 francs (5 per cent interest) referred to above as having ceased on certain of the shares of the original stock that had been called in and redeemed. The per cent of dividend was therefore about 28. The tonnage passing the Suez Canal last year was 13,000,000 net tons, and the toll rate was 7¾ francs per ton.

Under the terms of the concession, which extended for ninety-nine years from the date of completion of the canal—1869—all the securities will have been retired and canceled on maturity, and amortization provisions are arranged to that end.

The Government of England paid almost exactly £4,000,000 for the shares bought by Beaconsfield from the Khedive. The dividend on these shares last year for the benefit of the British Government was £933,000.

The authorities, for the information contained in the above, are: L'Economiste, a French publication with which you are no doubt familiar; the Statist, an English publication devoted to statistical matters; also a recently published work on the Suez Canal, by J. Charles-Roux, entitled "L'Isthme et le Canal de Suez," Paris, 1901, and The Stock Exchange Official Intelligence for 1905.

Hoping the above will meet your necessity, I remain, as ever,

Yours, sincerely,

GEO. W. DAVIS.

Hon. JOHN T. MORGAN,
Capitol, Washington, D. C.

Now, Mr. President, I desire to have this letter printed as a document for the use of the Senate. It certainly is something that is of the very greatest importance.

I wish to say in connection with it that I hope we will get rid of any hysterical idea in discussing the great proposition that is before us to the effect that we are wasting money upon it. We may be spending money very improvidently, and I think for the want of a proper system and management we are doing just that thing; and it is going to require very careful work on the part of the Senate of the United States and the Congress of the United States to devise and put in force a system of expenditures and accounting there that will prove to be justly and properly economical in the handling of this great fund.

But, Mr. President, what we are putting into this canal is in an investment. I will suppose that it is $500,000,000; it is still an investment. It is not money thrown away. It is not money loaned out and lost. It is not money expended in war or money given to benevolent purposes and the like of that, but it is money invested.

Now, as to what is the likelihood of profit upon the investment can be best ascertained by a reference to these figures of the Suez Canal. Nine hundred per cent——

Mr. CULLOM. I wish to ask the Senator if there is stated in the letter the exact cost of the Suez Canal, the whole cost?

Mr. MORGAN. Yes; the whole amount expended. I do not know whether it is for the canal proper, as it first was, or whether it is for the canal with the betterments that have been made to it since. General Davis has not divided that; but if it is necessary, I can get that information from him, I have no doubt.

What I wish to say is this, Mr. President: When the stock of the Suez Canal, with 13,000,000 tonnage passing through it annually, not a sailing ship going through it, all steamers, is worth a premium of 900 per cent on the Bourse in Paris, there need not be any despair or any excitement or any apprehension among Members of Congress or the people in regard to the outcome of this work when it shall be completed. We have the ability to take hold of this work, and by taxing our people to pay bond issues to complete it without ever stopping a wheel in the whole work for a second. If it should last for twenty-five years we have got the ability to do it. But that is not what I am acting upon. I am acting upon the idea that if this canal gets only 13,000,000 tons of transportation on which tolls are to be charged we could run the stock of the canal up if it were a commercial enterprise, a stock enterprise, to 400 or 500 per cent in four or five years after the canal is completed, if it takes twenty years to complete it.

I wish to say that I regard this as the very best investment that any Government has ever had an opportunity to make of its money in any work of permanent improvement. I say that, Mr. President, notwithstanding I have always said—and it is unnecessary that I should repeat it—that I have very great misgivings as to whether or not after all we shall be able to overcome the natural difficulties that confront us in the building and maintenance of this canal; but we have got to take the risk, and we are ready to take it. I have not any doubt about the determination of almost every man in the United States to take the risk, whatever it may be. I have no right to make predictions about it, but I can not resist, in justice to my own opinion, reserving to myself the apprehension that after all we are putting our money down at the wrong place. That is my judgment, and I have thought so from the beginning.

That is what I wish to say in regard to this very important statement of General Davis. I will now ask that it shall be printed as a document for the use of the Senate.

The PRESIDING OFFICER. The Senator from Alabama asks for the printing of the document to which he has referred, for the use of the Senate. In the absence of objection, it will be so ordered.

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. Are there further concurrent or other resolutions? If not, the morning business is closed.

FIRE DEPARTMENT OF THE DISTRICT OF COLUMBIA.

Mr. SCOTT. I ask unanimous consent for the present consideration of House bill 4464, being what is known as the "firemen's bill," which was considered yesterday. It will only take a moment to complete its consideration. The Senator from Maine [Mr. HALE], who yesterday objected to the bill, has since investigated the matter, and I believe is now satisfied that the bill shall pass.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 4464) to classify the officers and members of the fire department of the District of Columbia, and for other purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PANAMA CANAL.

Mr. KITTREDGE. I ask unanimous consent that the unfinished business may now be laid before the Senate.

The PRESIDING OFFICER. Is there objection to the request?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. TELLER obtained the floor.

Mr. McLAURIN. Will the Senator from Colorado yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Mississippi?

Mr. TELLER. I should like to know for what purpose. Then I can decide.

Mr. McLAURIN. I desire to ask the Senator if he will yield to allow me to ask unanimous consent of the Senate for the present consideration of Senate bill 1291, for the relief of James W. Watson. It will take but a few minutes to dispose of it.

Mr. TELLER. I will yield, reserving to myself the privilege of resuming the floor if the bill shall lead to debate.

JAMES W. WATSON.

Mr. McLAURIN. I now ask unanimous consent for the present consideration of the bill (S. 1291) for the relief of James W. Watson.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill; which had been reported from the Committee on Indian Affairs with an amendment, to strike out all after the enacting clause and insert:

That the balance due from the Merchants' National Bank of Helena, Mont., to James W. Watson, amounting to $13,113.69, be, and the same is hereby, allowed by the Office of Indian Affairs and the accounting officers of the Treasury Department, and said accounts of James W. Watson, late acting United States Indian agent, Crow Agency, Mont., be credited therewith, allowing him to be fully discharged from any further liability therefor.

SEC. 2. That the said James W. Watson, after the balance of his accounts shall have been passed upon by the court before which they are now pending, be authorized and allowed to submit the same to the Office of Indian Affairs, for the purpose of correcting his record at that office.

SEC. 3. That the said Watson be, and he is hereby, authorized and empowered to show before the court the expenditure of said moneys charged against him under the act of July 4, 1884, and other acts or parts of acts, by supplemental vouchers, or facts, or other testimony which shall be accepted by the court, such as showing to the satisfaction of the court the expenditure of said sum so charged back for the uses, purposes, benefit, and good of said agency and the Indians thereof.

SEC. 4. That this act shall take effect and be in full force and effect from and after its passage and approval.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Indian Affairs.

Mr. SPOONER. I should like the Senator who has the bill in charge to make some explanation of it.

Mr. McLAURIN. Mr. President, the Senator from North Dakota [Mr. McCUMBER], who reported the bill, is really more familiar with the facts than I am. This is a bill to relieve, as the title states, Capt. James W. Watson, of the Tenth Cavalry. He was appointed just before the Spanish war as an agent at the Crow Indian Agency, in Montana. When he received the appointment he found certain moneys, to be used for the benefit of the Indians, deposited in a bank. He left that money in the bank. Afterwards the bank failed while the money was there, I think amounting to about $38,000. Twenty-odd thousand dollars of the money has been paid by the bank since it has been in liquidation.

Mr. SPOONER. Was it a national bank?

Mr. McLAURIN. I do not remember what bank it was, but the report shows.

Mr. McCUMBER. It was a national bank, Mr. President. I am acquainted with the facts.

Mr. SPOONER. What does this bill permit the claimant to do in the court that he could not do without it?

Mr. McLAURIN. I will state to the Senator, unless the Senator from North Dakota will answer that question——

Mr. SPOONER. I only want it in a word.

Mr. McCUMBER. I think the Senator from Mississippi could answer, but I will simply say that legally Captain Watson would, of course, be responsible, but not morally, considering the course of the dealings in the matter of Indian funds, which had been kept in the same bank by his predecessor and which he supposed he had a right to keep in the bank, although it was not a Government depository. He had really no legal authority for doing it, and this is to excuse him for the loss of funds by the defalcation of the bank.

Mr. McLAURIN. I would say to the Senator from Wisconsin, if I can have the attention of the Senator——

Mr. SPOONER. I am listening.

Mr. McLAURIN. I will say to the Senator that by the law as it stood at the time when this transaction occurred, if there were any mistake in a voucher, even if the voucher were for $10,000 and there was a mistake of a dollar, the law required that the whole amount be charged against the agent. As shown by the report, it was impossible for the agent to be at all the places where these moneys were expended. The Government furnished him clerks——

Mr. TELLER. I yielded for the consideration of this bill with the expectation that it would be passed without debate, but I can not yield further.

The PRESIDING OFFICER. Objection is made to the further consideration of the bill.

Mr. McLAURIN. I want to make one statement to the Senate with reference to the bill. This is a very important matter to this man.

Mr. TELLER. I must decline to yield if the bill is to lead to further debate at this time. It can be passed later. If I yield to one Senator I must to everybody, as it is a debatable subject.

The PRESIDING OFFICER. The Senator from Colorado has the floor.

Mr. TELLER subsequently said: If the bill which the Senator from Mississippi [Mr. McLAURIN] called up can be passed without further debate, I will withdraw any objection to its consideration.

Mr. McLAURIN. I do not know whether or not it can be passed without further debate, if Senators object to it, but I should like to have it considered and I should like to have it passed.

I repeat, this measure is a matter of very great importance to this man. He is not morally responsible for the loss of any of this money; he is guilty of no moral wrong, and the Department say that he is not. The man has nothing in the world except his salary. He has been an officer of the Army for twenty-odd years, for he went to West Point about 1878, I think, and after he graduated he went into the Army and has been in the Army ever since. He has made a splendid officer. If this measure does not pass, it will drive him out of the Army and there will not be a dollar recovered for the Government. That is all I can say.

The PRESIDING OFFICER. Is there objection to the further consideration of the bill at this time? The Chair hears none; and the bill is before the Senate as in Committee of the Whole.

Mr. SPOONER. Mr. President, I have no objection to this bill, so far as it relieves this officer from liability for moneys deposited in the national bank at Helena and lost through the failure of the bank and through no fault on his part; but it goes beyond that and authorizes him to make supplemental vouchers for money that he had disbursed.

Mr. McLAURIN. If the Senator will allow me a moment, I can explain to him that there is not only nothing wrong in that, but there is nothing illegal in it and there is nothing inequitable in it. The Government furnished him clerks. One was C. H. Barstow and another J. A. Gogarty. Those clerks fixed up the vouchers, and if they made a mistake of a dollar in a thousand-dollar voucher that thousand dollars is charged to Captain Watson, and every other dollar of it has been paid. The bill only allows him to go before the court and show how much money really was paid out by him and to give him credit for every dollar paid, and nothing else. That is all the bill proposes to do.

Mr. SPOONER. All right.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

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

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

SITE FOR PUBLIC BUILDING AT GREAT FALLS, MONT.

Mr. CLARK of Montana. I ask the Senator from Colorado to yield to me that I may enter a motion.

Mr. TELLER. I yield.

Mr. CLARK of Montana. Yesterday, when the bill (S. 544) to provide for the erection of a public building in the city of Great Falls, Mont., was under consideration, some amendments to it were adopted which it is now found require further consideration. I therefore move that the vote by which the bill was passed be reconsidered, and that a message be sent to the House of Representatives requesting the return of the bill, in case it has been sent to that body.

The PRESIDING OFFICER. The motion to reconsider will be entered; and, without objection, the House of Representatives will be requested to return the bill.

HOMESTEAD ENTRIES ON COLUMBIA INDIAN RESERVATION.

Mr. PILES. Will the Senator from Colorado yield to me?

Mr. TELLER. Mr. President, the Senator from Washington appeals to me to yield to him; I do not know for what purpose.

Mr. PILES. I ask unanimous consent for the present consideration of the bill (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and al-

lowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

The PRESIDING OFFICER. Does the Senator from Colorado yield?

Mr. TELLER. I yield.

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

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. PILES. I move the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 1, line 3, after the word "all," it is proposed to strike out "entries" and insert "applications to make entry;" and at the beginning of line 7 to strike out "accepted at" and insert "filed in;" so as to make the bill read:

Be it enacted, etc., That applications to make entry under section 2306 of the Revised Statutes of the United States for lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington, heretofore made in good faith and filed in the local land office of the land district in which said lands are situated, under and pursuant to the practice of the Department theretofore existing, are hereby ratified and confirmed, and the Secretary of the Interior is authorized to issue patents in all such cases in which patent has not already issued.

The amendment was agreed to.

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

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.

JUDD J. HARTZELL.

Mr. ALLISON. I ask the Senator from Colorado to yield to me for a moment.

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

Mr. TELLER. Certainly.

Mr. ALLISON. I am directed by the Committee on Finance, to whom was referred the bill (H. R. 7771) for the relief of Judd O. Hartzell, to report it without amendment, and I ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa for the present consideration of the bill named by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Judd O. Hartzell, of Laharpe, Ill., $960, to reimburse him for that sum paid by him for a technical violation of the internal-revenue laws of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PANAMA CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 6191) to provide for the construction of a sea-level canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

Mr. TELLER. Mr. President, I desire to present some matters in connection with the character of the canal that we have determined shall be built to connect the waters of the Atlantic with those of the Pacific Ocean. I do not expect to go into the history of the canal. That has been done pretty thoroughly by the Senator from South Dakota [Mr. KITTREDGE], who has the bill in charge, and also by those Senators who have spoken in favor of the lock plan of canal.

In the early part of the session I submitted my ideas as to what the character of the canal should be; but since that time there have been statements made and arguments advanced that I wish very briefly to controvert. I desire, first, to address myself to the proposition whether the type of the canal should be determined by the question of cost. Here is an enterprise which I think everyone will admit is in magnitude, and perhaps in effect, the greatest national enterprise that any nation has ever undertaken; certainly it is the greatest in modern times. There may have been in the history of the world, particularly in prehistoric times, some enterprise carried on that may have required more labor and more effort than this, but certainly in modern times there has been no expenditure of money by a nation in any work of this character that would equal the amount that it is probable we shall be compelled to expend to complete the construction of the Panama Canal. That statement holds true whether we shall expend the amount of money estimated by the engineers of the world or whether it will require an expenditure that some who are not connected with the work believe will have to be made.

We have declared before the world that we are going to build an isthmian canal. A quarter of a century ago, when the French company undertook to build a canal across the Isthmus of Panama, we said in a very quiet way that there was no objection to a French company building such a canal; but if the French company failed, as it was anticipated by many that it would, then this Government would object to the French Government building the canal. So when the canal company did fail the French Government was prohibited and precluded from taking any part in the work of taking up the construction of the canal, even if it desired so to do.

The Senator from Illinois [Mr. HOPKINS] the other day said he thought they were too wise to do so. I doubt whether at that time they were too wise. The French people had put $262,000,000 in the enterprise, and it was supposed then that $100,000,000 more would complete the work. If that supposition had been well founded, which it was not, it would undoubtedly have been wise for the French Government to have saved, if possible, to the citizens of that country their investment.

I do not know that I am quite willing to subscribe to the suggestion made a few moments ago by the Senator from Alabama [Mr. MORGAN] that this canal is going to be such a great commercial success. That is a matter about which we may differ.

We have assumed the right to build this canal, and we have denied the right of any other Government to build it. To-day we deny to any company or any corporation or any combination of capitalists the right to build it. We stand there saying, "We will build this canal." That being so, shall we stop and consider what it shall cost? The individual who enters into an enterprise, great or small, should rightfully and properly consider whether his resources will enable him to complete it. Does anybody here, Mr. President, believe, whatever may be its cost, whether it be $247,000,000 or $500,000,000, that this Government is able to complete this enterprise? It is too late, in my judgment, to consider the element of cost.

Then, there is another element, upon which apparently both the junior Senator from Illinois [Mr. HOPKINS] and the Senator from New Jersey [Mr. DRYDEN], who spoke yesterday, place much reliance. That is the element of time. In my judgment, we have not any business, under the conditions that now exist, to consider how much this canal will cost, neither have we any business to consider how long it will take to complete the enterprise. Other people might possibly have completed it in less time, but they were not allowed to do so.

When you have considered the question of cost, in the first instance, and when you have considered the question of time, you have got to consider what is the type of canal that the business of the world demands. What kind of a canal is it that we are under obligations to build? Not only a canal that can take the small ships from one ocean to another, but one that will take every ship and any ship that comes. Our determination to do that is foreshadowed and declared by the Spooner Act.

I know, Mr. President, that the minority of the Board of Engineers say that it is doubtful whether the great ships of the world will ever want to go through the canal. I do not know that they will; but I think that will depend upon the type of the canal. I am sure it will be very doubtful whether the great ships of the world will go through it if it is built with locks.

It is necessary to refer briefly, but not in detail, to what has been done on this canal. When the man who had won fame by his success in building the Suez Canal had taken hold of the project of a canal across the Isthmus of Panama, it was thought that it would be carried to completion; but when the money that ought to have gone into the canal had been largely wasted, at all events, when the De Lesseps Canal Company had reached a point where no more money could be secured, they stopped work on the canal and stood still, and the company went into bankruptcy. Then there was organized another, a French company, with a moderate amount of capital compared with the amount that would be required to complete the work. Everyone who knows anything about it knows that that company was organized to save as much as possible out of the wreck of the old company. They had then under their concession from Colombia nine years in which to complete the canal. A board of engineers of European reputation and some American engineers were employed by this new company to determine how they could save something out of the wreck.

Let me say that when this technical commission came to make their report—and I have it here on my table—they said it "has been demonstrated, as far as we have gone, that a sea-level canal is feasible." That was one of the first enunciations

of that board of engineers; but they then said—not in the exact language, of course, that I am using—"We have got nine years in which to build the canal. It will take us one year to organize and secure money enough to go on. Can we build the canal on the original plan within the time and for the money we can raise?" They decided that they could not, and the company's instructions to the board—and any Senator can read them here; I am not going to stop to read those things; but they are printed in a document here to which every Senator can have access—were: "You must consider two items when you come to decide this question. First, can you build the sea-level canal in eight years? We have nine years within which to do it, but it will take us a year to get ready to start." The answer was, they could not. Then it was asked, "Can you build it for the money we can raise?" The engineers answered, "No." Then they said, "In determining the type of the canal you must keep in sight all the time the conditions under which you are to build it. First, you have not time to build a sea-level canal, and, secondly, you have not the money with which to build it."

Mr. President, I have read everything, I think, that has been published upon this subject in the last twenty years, and I say here that no board of engineers have at any time said that it is impossible or impracticable to build a sea-level canal. Individual engineers may have said it. In 1879, when the engineering talent of the world was assembled at Paris, nearly ten times as many engineers declared in favor of a sea-level canal as declared in favor of a lock canal. I challenge anybody to show me that any engineer in that meeting ever suggested that a lock canal would be better than a sea-level canal. On the contrary, the American engineers who objected to a sea-level canal objected solely and entirely upon the ground that the commerce which would go through the canal would not justify the building of so expensive a canal. I state this to meet the statement which has been made twice on this floor that the technical committee declared it was impracticable to build a sea-level canal—impracticable, as they said, under the conditions existing, poverty and lack of time.

Mr. President, I have read the report of the majority of the Board, and I have read the report of the minority of the Board. I have read the report of the Isthmian Canal Commission. I have read all these papers carefully. Yet I venture to say not a report has come here, except within the last year, which would justify anybody in saying that if the cost of a sea-level canal was the same as that of a lock canal it would be better to build a lock canal. Eliminating the element of cost and considering only the element of advantage, I venture to say you can not get in this country 5 per cent of the respectable engineers who would not assert that a sea-level canal is better than a lock canal.

I have had the opportunity in the last ten years of consulting and conversing with a large number of American engineers, some of whom have been on the ground. One of them was one of the best engineers in this country. He has had no connection with these recent transactions. He is as able as any man on the Board. He spent a year down there. I believe every man of that class will say "If you can build a sea-level canal for the same money, of course you should build a sea-level canal."

Those, Mr. President, are the points with which I want to start out. As I have said, I do not intend to make an extended speech on this subject. I went over the matter at considerable length in the early part of the session. I listened yesterday to the Senator from New Jersey [Mr. DRYDEN], and I am sorry his speech is not in the RECORD this morning, so that I could quote him exactly in the somewhat pathetic appeal he made to us to build the best canal that could be built. I sympathize with him in that sentiment. I put myself on record in December last that there was an obligation on us, which the world expected us to fulfill, to build the very best canal that could be built. The Senator from New Jersey concludes and certifies himself that the best possible canal which can be built is a lock canal He quoted the chairman of the Commission, Mr. Shonts, and he quoted also the Chief Engineer of the canal in support of the declaration that if you could build a sea-level canal for the same money you ought not to build a sea-level canal, but you ought to build a lock canal. Mr. President, Mr. Shonts is not an engineer. He is a railroad man and has been engaged in running a railroad across the praries of Illinois and Indiana. There is no evidence that I know of that he has ever dealt with any great enterprises in any shape or manner. I can tolerate that statement made by a layman. But Mr. Stevens is an engineer by profession, by education, and by experience, and when he says to the Board of Engineers, when he says to the country at large, that, in his judgment, a sea-level canal is not as valuable as a lock canal, and that, eliminating the idea of expense, he would build a lock canal, I say, with all respect, that he discredits himself before the engineers of this country.

I venture to say that no man who is not a partisan of a particular type of canal, and who has not an end to serve, and who has any reputation as an engineer, will stand before the world and say that an open-water cut across the Isthmus is not better than climbing an elevation of 85 feet.

Mr. President, I desire to say a few words about time. As I have said, I do not think we should consider the matter of time. What difference does it make to the American people whether it takes eight years or twelve years? Are we to derive so much immediate benefit and advantage from the building of the canal that we must make haste to build it? I desire to call the attention of the Senate to a statement made by the head of the Panama Canal at Atlanta on the 30th day of May. Mr. Shonts made an address at a banquet:

In his formal address this evening Mr. Shonts said that between the time of the selling of the supplies which will enter into the construction of the Panama Canal and the period when the opening of the canal will result in the development of the country a gulf is fixed. How great and how wide that gulf is will depend on the type of canal selected. Mr. Shonts spoke in favor of a lock canal, as recommended by the minority of the consulting board and indorsed by the Canal Commission. He said, in conclusion:

"The practical question for all sections of the country is, How long shall we want before we can enter upon the period of development which the opening of the canal will bring to the country? I am not surprised that European countries are indifferent to the early completion of this canal. I am not surprised that they are indifferent as to how much this canal may cost our Government. I am not surprised that they can view calmly an indefinite postponement of the opening of this great waterway. They are neither paying the bills, nor will their commerce and industries suffer by waiting for the completion of this undertaking.

"But I am surprised that those who are supposed to represent the best interests of the American people—

That, I suppose, refers to the American Senate and the American House—

should try to throw obstacles in the way of realizing the benefits of this work at the earliest possible date. When we can get a better canal for less money, and receive the benefits ourselves, why wait; why make it a heritage to our children, with the possibility of their being deprived of its benefits through some unforeseen contingency?

I have spoken of a gulf. Now, how wide that gulf shall be depends on the people. Do you want to reap the benefit of this undertaking yourselves, or do you want to transmit a hope to your children or your children's children?

Mr. President, Mr. Shonts's idea is accepted by the Senator from Illinois [Mr. HOPKINS] and the Senator from New Jersey [Mr. DRYDEN] as to some extent controlling us in our determination of this question. That is particularly true of the Senator who addressed us yesterday, the Senator from New Jersey, who dwelt with much force upon the idea that he advanced as coming from Mr. Shonts and Mr. Stevens. I was sorry that one or the other of the Senators did not tell what the immediate benefit is to be to this country from the canal. I am one of those who do not look forward to any immediate advantage, nor in the future to any great advantage that will accrue to us as a nation. We will open the canal to all the world on the same terms that our own citizens use it. Every American ship will pay according to its tonnage the same rate as every European ship will pay. It does not make any difference whether the ship is going to China or going to San Francisco from New York, or any other city; it will pay the same.

If, as anticipated, there shall be a tremendous commerce going through the canal, the money that we put in will be returned in the way of interest. But I am not one of those who have been so hopeful of this return. However, no one of the advocates of the lock canal has yet told us why we should sacrifice the character of the canal for the sake of saving time or money. It is true, the other day the junior Senator from Illinois [Mr. HOPKINS] told us that all the money put into the canal which was wasted, or the money that was put in beyond what was necessary, came out of the taxes paid by the people. That is true. It all comes out of the taxes paid by the people. The people who do the business of this country will pay for it. But if the canal is to be so advantageous as Mr. Shonts and some other gentlemen think, then it will make but little difference whether it costs $247,000,000 or $325,000,000. If it pays a good round interest, it will be a good investment. I wish I could be as optimistic about it as is the senior Senator from Alabama [Mr. MORGAN], provided, he says, it is a success.

Mr. President, if there was to be immediate gain, if there was prospect of immediate returns to a considerable extent more than anybody now claims, I do not believe we would be justified in sacrificing the character of the canal for the purpose of immediately participating in those gains. If the canal is built, it ought to be as good in a thousand years, or in two thousand years, as ever, and if the interests of mankind demand a water-

way across there to-day, they will certainly demand it in all time. I join with the Senator from New Jersey in saying that this is the opportunity for us to get the best canal that can be made. I deny the conclusion at which the Senator arrives—that the best canal which can be made will have locks by which the ships of the world must climb over a mountain.

Of course, I know there are lock canals which are a success. In New York is the Erie Canal, from Buffalo to New York. It has been a great success, and the State is about to expend a hundred million dollars more on it to increase its capacity; and it will be a success. But it is not anything like this canal, nor will this canal be anything like the New York canal. I know there is a canal between the Great Lakes. We call it the "Soo Canal." It has carried a tonnage greater than any other canal in the world, and it has been a great success. It belongs to the Government of the United States. It has been a great help to commerce. That canal is 2 miles long, or to be accurate, 1.6 miles. It has a lock, a lock which lifts less than 20 feet—19 feet and a fraction, if I am not mistaken. It has one lock. The lock that is to be built on this canal will have a lift of practically 30 feet—almost 29 feet. Instead of there being one lock, there are to be three locks on the Atlantic side and three locks on the Pacific side. The Manchester Canal has some locks, but their lifts are nothing like the lifts on this canal.

Mr. President, I challenge the friends of the lock-canal system to show anywhere in the world a lock canal like unto this. There is none. There is no place on the Manchester Canal or any other canal in Europe where there are three locks in succession by which a ship must climb a hill. I do not care to go into details, but I wish to suggest to the Senate, I wish to suggest to intelligent business men, whether it is not much more difficult to carry on a canal with three locks, one above the other, than it is a canal with one lock. I want to ask any intelligent man—he need not be an engineer—what would happen to a great ship like one of those that Mr. Hill is running now from our western ports to Asia if, in going across from either side, an error should occur in the handling of the ship and the ship should go with its great weight against one of those gates. The gate has not been built, and it never will be built, which would hold one of those ships, and when it strikes one of those gates, it would go down clear through to the bottom. The chances are a hundred to one it would carry the flight with it. If anybody doubts that, let him take the testimony of Mr. Hunter, who is on this Board and who has had as much to do with this question as any man in the country, unless it may be Mr. Davis.

But you do not need an engineer to tell you the danger of a lock canal. I see the minority of the committee say that these gates will weigh 450 tons. They will weigh practically twice that if we get the right kind of gates. They should weigh 800 tons, and they will weigh 800 tons. The lowest estimate I have seen made by anybody has been 750 tons; and the minority of the committee says 450 tons. These gates must be handled, not as we handle the gates on the old Erie Canal, where they put in a couple of gates, with a long timber sticking out, and a man goes on the timber and moves the gate and swings it around. That can not be done with these gates. With 30 feet of water against them they can not be opened and they can not be closed except by machinery, and delicate yet powerful machinery at that.

For fear I may forget it, I wish to suggest here that in these days of dynamite it would be easy for somebody to step in and with a piece of dynamite which he could carry in his vest pocket disable every lock in the whole flight. It may be said that will not be done. Probably not in ordinary conditions; probably not in the usual conditions of life. But suppose we were having trouble with some foreign power, and we had our Pacific fleet on the Pacific side and wanted to bring it across. Do you believe it would be difficult for some power to shut off our right of way, you may say, across the Isthmus? How easy it would be! "Oh," they say, "you can guard it." But you would need an army to guard it.

On the other end there is to be a lock under any conditions. There must be. As was said here by the Senator who has this bill in charge, in the admirable presentation he made of this case when he opened it, that is a lock which will stand open half the time; nay, more than half the time. It is a lock which, if destroyed, will not destroy the canal. But the flight of locks on the other side will be within reach of the great guns of the navies of the world, and every one of those locks can be put out of commission in an hour by a great naval ship. But I will not anticipate such troubles. I will not anticipate a war. I will anticipate that persons hostile to the carrying of ships through there may do this, and they can do it readily and easily. And yet the minority of the committee tell us that they prefer a lock canal to a sea-level canal, because they say a ship can go through it quicker than it can through a sea-level canal. When the ship enters the water at sea level, it will steam cautiously through, I admit. But it does not make much difference whether it goes through in fifty-five minutes more or fifty-five minutes less. The question is, Can the ship go through safely, and through which canal can it go with the greater safety?

Mr. President, I desire to touch very briefly on the question of the dam. I will say that I am not going into an extensive argument on this subject, for, in my judgment, every Senator has already practically made up his mind for what kind of a canal he is going to vote. I will first speak of the character of the canal which the President is going to build if we do not intervene. It is said the President will build a lock canal, because he is authorized to do so by the Spooner amendment. That was a remarkable amendment, I admit, one which perhaps ought to have been modified. I voted for the Spooner amendment. I voted for it with the declaration from my place here that I did not believe we ought to build a canal at all. I voted for it with the declaration that if we built the canal at all it ought to be a sea-level canal; and because you could not build a sea-level canal on the Nicaragua route, I would vote to allow the President to build the canal on the Panama route, if he saw fit, and if he could make proper arrangements with the French company. So I voted for it.

We had a plan submitted by our Commission for a canal across there, if we undertook to build it, and that was to be a lock canal. I knew it was a lock canal. If the President of the United States has any authority to build this canal without our indicating how it shall be built, he is bound to build the canal which was thus laid out for him to build. He has no right to build any other.

The Walker Commission proposed a dam at Bohio. The present proposition of the minority of the committee is to build a dam at Gatun. To-day there is not an engineer in the country who would advise the building of a dam where the Walker Commission or the Isthmian Commission suggested it ought to be built. Nobody pretends that it could be built with safety there. The Commission on two occasions declared that it was the only place where they could build a dam across that river; that there was no other place between that and Colon where a dam could be built.

But it is said that the President has a right to build a dam somewhere else. I deny it. Therefore I think it is incumbent on us to fix the type of the canal and fix the place where the dam shall be built, if dams are to be built, and of locks, if locks are to be built.

Mr. President, I will spend very little time on the question of the dam. The Senator from New Jersey yesterday went into an extensive discussion of the character of the dam. He said that it would be a mile long and half a mile thick and is to hold a body of water 85 feet high. That dam can undoubtedly be built, and the plan the minority suggest is the best possible way that it can be built—that is, by the use of water, transporting the material to the dam through water and depositing it. That is the best way you can build a dam. I have no doubt that you can build a dam there that for a time at least will hold the water that is put in it. I doubt myself whether there would be very much seepage through a dam built in that way of the width that it is proposed to build it.

But, Mr. President, that it not the vice of this dam. The vice of this dam is in the foundation; it is in the ground upon which you build it. The same objection rests at Gatun that rests at Bohio as to the foundation. They tell us, as they told us at the other place, that they had bed rock. Yet when a man went there who knew enough to see that one hole down there does not determine the character of the subsoil and does not show what is below 100 or 200 feet, it was found that what they had called a bed rock were simply floating rocks in the mud and débris that had been washed in there. The same identical thing exists at Gatun, except that it is said that there is some clay somewhere there. Yet it is admitted that there are two places of several hundred feet where no foundation can be had.

It has been suggested, and it was suggested before the committee that that difficulty could be met by putting in a foundation. But that is not the plan of the minority. The plan of the minority and of the minority board is to put a dam there and depend upon the weight of the dam to hold the water from the horizontal thrust and keep it back. They have lost sight of the fact that this dam will cover a large area of ground, and that the weight of the water 85 feet high will be upon every square foot of it. Everywhere the weight will be pressing down. They admit that in the borings they made, they found that water percolated through. I notice that our committee say

that the water evidently did not come from the river, but probably came from the hills.

Mr. President, it did not come from the river, and it did come from the hills, and it shows that there are waterways existing now under the dam. If it had come from the river the weight of the water might have kept it out, but it is coming from the hills above, and when the pressure of the water shall force the water down into that soft, muddy ground it will meet the little rills coming from the hills and you will find your dam with water seeping under it and ultimately washing it away.

At least, Mr. President, this is an experiment. There is no such dam on the face of the earth and never has been. I challenge any member of the committee to show any dam that corresponds in character with it. No dam has ever been built upon that character of ground without some preparation to protect the underdrain. There are very few engineers who will not testify that that is the danger which threatens this dam. It is not that the dam will be pushed over by the weight of the water.

Mr. President, for twenty years I have made a study of dams. I have made it because in my section of the country it is necessary to some extent that we should do those things. I have made it because I have had a taste for those things all my life. I can state here that I believe I have read a description of the character of practically every great dam in the world, and I say now that no engineer has been brave enough or reckless enough heretofore to propose the building of a dam under the conditions you propose to build this dam. If anybody doubts the statement I am making let him go to the records. Go to your library and take the works upon dams. Take the French works. The oldest dam in the world, outside of India, and the highest dam in the world is in Spain. It is three or four hundred years old. I do not deny but that you can build an earth dam, but I do deny that there is any reason to suppose that you can maintain a dam on that character of a foundation.

A few years ago in France a dam was built upon what they said was solid rock. It was a dam considerably less in height than this. It stood for a number of years, and then it went out. It was a masonry dam, and five or six hundred feet went out at a single time.

Forty years ago, or thereabouts, I should say—and I speak only from recollection; it may not have been more than thirty, for I have not looked it up—the city of Bristol, in Great Britain, built a dam for city water. It had stood a number of years, and then it suddenly went out, to the great destruction of property and a considerable destruction of life. The best engineering talent of Europe was called and sat there for weeks and months to determine the defect in the dam. They unanimously reported, when they got through, that all the highest engineering talent had been displayed in the building of the dam and that they could find no reason whatever why the dam went out; but there was the patent fact that it had gone.

So, Mr. President, you can not depend upon a dam, not even if it is made of the best material. No man can say whether a dam will be safe or not, and any man who thinks, without knowing all the facts connected with its foundation, simply guesses as to what it will do.

Mr. President, I suppose most of us remember the Johnstown flood. I understand the fault about that; and I am not going to say that the same trouble which grew out of the Johnstown dam is likely to grow out of this dam if built at Gatun. I think it is very doubtful whether there will ever be a flood big enough to fill up this dam to such an extent that the water will go over the top. But if it ever should do so, that would be the end of the dam. If a waterway as big as my arm should find its way under that dam, with that great pressure on it, it would go as certainly as if hundreds of cubic feet went over the top.

At Johnstown the dam had stood for many years. Suddenly it went out with a great flood. There was no core built up. No earth dam ever built ought to have been built without a core in it, a cement core, a stone core, or something of that kind. Looking over the reports of the engineers, I find that they say if there had been a core in that dam when the water that went over the dam struck the core the dam would have held it and the disaster would not have occurred.

Mr. President, this is a case where when you come to build a dam you should build it in such a way that there is no possibility of its going out. The Chagres River, which is being considered and must be considered in connection with this enterprise, has in the last thirty years had some tremendous floods. It had a flood some years ago such as has not occurred since and may not occur in a hundred years. The floods are somewhat like earthquakes. They come when you do not expect them. But yet when you build a dam of that kind, upon which the whole character of your canal rests, there should be no possibility of its going out. That river might rise double what it has for the last twenty years and produce twice as much water. The dam must be built with reference to that. You must prepare against a possibility and not a probability.

Mr. President, some of the best engineers in the world have declared that it is recklessness to build a dam at Gatun. The Senator from New Jersey yesterday spoke of Mr. Hunter with some criticism. He said Mr. Hunter had been in favor of the new French lock canal. He was given this question to determine: "You must find for us a canal that we can build within eight years, and you must devise a canal that we can build with the money that we can probably raise." So he said the lock canal was the best under the circumstances. I have here somewhere Mr. Hunter's letter. I am not going to read it, but I wish Senators who want to know something about this subject would send for Document No. 456 of the Fifty-ninth Congress, the present session. In that document there is a statement made by Mr. Hunter. I know no reason why Mr. Hunter should misstate anything in connection with this matter. It is a letter that he writes addressed to the Senator from Alabama, who has given much attention, as all know, to this question for the last twenty-odd years. I wish Senators would read Mr. Hunter's letter.

Mr. President, looking at the clock I discover that I am not keeping my pledge that I was going to make a short speech, but I will practically quit. I want to say only a few words more. If we build this canal, every impulse of our American spirit ought to require us to build the best canal that can be built. I am not enthusiastic about it. I can not see the benefit that will come to the American people by building it that some of you do. But I am enough of an American to feel that I would rather we would sacrifice that extra hundred million dollars—nay, I would rather you would sacrifice the entire cost of the canal than that you should build a canal which the business men of the world would condemn.

I am not afraid of bankrupting this Government. I know our expenses are great, but our income is great, and if we choose to borrow the money to build this canal we can borrow it cheaper than any other people in the world.

If we have to build this canal, let us build it not looking simply to the question of its cost, but what will be the type that shall meet the demands of the world now and for all time to come. If it pays, well and good. If it does not pay, let us contribute like men to the world's advantage. At least we will have the satisfaction of knowing that when we commenced a great enterprise we concluded it in a way to be creditable to the American nation.

There are a hundred things which might be said about this canal that I thought I could say in less time than I have been speaking, and that I should like to say under other conditions than those which now exist here at the close of the session.

Mr. President, I want to say a few words on another point, though I dislike to criticise anybody. In the early part of this session we had questions of salaries and criticisms of conduct of officials. I want to repeat what I said one day in the Senate.

The engineering questions of this canal are settled. There is enough engineering experience now to know what you want to do and how to do it. What you want now down on the Isthmus is a man who can organize the labor and carry it on and do it. There will be difficulty in getting that kind of man, I know. We had a man there, Mr. Wallace, from whom I intended to quote some things he said about the canal if I had had the time. Mr. Wallace is not only an engineer, but an executive man. I do not think, as the junior Senator from Illinois [Mr. HOPKINS] thinks, that he is so prejudiced that his testimony is not to be taken into consideration. We had him there on the Isthmus.

Mr. President, here have been the headquarters of the canal. Here are the headquarters of the canal now. The superintendent is here; Mr. Shonts is here; Mr. Stevens is here. I admit they are engaged. They have been traveling around the country telling us what kind of a canal we ought to have. I suppose they will continue to draw these immense salaries of theirs, salaries that I do not complain of if they will go on the Isthmus and attend to their business. But when a man is drawing in two months or less as much as I draw in a year for my services here, common decency requires that he should be where, in my judgment, his duties properly call him.

I do not believe that you can build this canal from here. There has been nothing done on the canal since the 1st day of last August that amounts to anything at all. How long will it be before there will be more done?

Now, Mr. President, I am not making haste. I notice that the Senator from Illinois [Mr. HOPKINS] said it would take twenty years to build a sea-level canal. The Senator from New Jersey [Mr. DRYDEN] simply raised it five years, and said it would take twenty-five years. The minority said it would take fifteen years. I presume the committee of our body knows better what it would take than even the Commission, who are so confident that they know best what kind of a canal we are to have.

Mr. HOPKINS. I may not have understood the Senator correctly. The Commission said it would take twenty years.

Mr. TELLER. What the Commission said was fifteen years.

Mr. HOPKINS. Oh, no; let me correct the Senator.

Mr. TELLER. You can not correct it, because my statement is correct. I think I can turn to it in a minute.

Mr. HOPKINS. The Commission say twenty years. I know the Senator is wrong.

Mr. TELLER. I do not care myself whether it is fifteen years or twenty years, only I thought it was hardly fair——

Mr. HOPKINS. I only wanted to correct the Senator, as a matter of fact. The Senator will find, if he looks at it, that the minority report of engineers fixed it at fifteen years, and the Commission, when they examined it, fixed it at twenty.

Mr. TELLER. Does the Senator refer to the Canal Commission?

Mr. HOPKINS. Yes, sir.

Mr. TELLER. Oh, I did not mean the Canal Commission. There are some members of that Commission whose judgment would be worth something, but we submitted this question to a board of engineers noted for their ability. Eight of them said that it could be done in twelve or thirteen years. The others said it could be done in fifteen years.

Mr. HOPKINS. That is right.

Mr. TELLER. That is what I am talking about.

Now, Mr. President, I doubt myself whether it can be done in twelve or thirteen years, and I should be surprised if the lock type of canal does not take twelve or thirteen years.

I might spend a little time to show how long it will take to build these locks. As I have said before, there have been no such locks built in the history of mankind. No engineer can tell how long it will take. The locks must be built with care. There is not a man who has given any attention to these questions who does not know that you can build a lock that will not have half the resisting strength if you hasten it and build it carelessly. The amount of time necessary to solidify and prepare it for use is considerable. When the locks are done, when the last mechanic leaves them, there ought not to be a drop of water put in the locks for the next twelve or eighteen months. That is the way the whole body, 3,000 feet in length, with its two flights of locks, may become homogeneous, and it will not be homogeneous if you begin to use it immediately after it is completed.

Safety is worth more than time to us in this matter. After all, the question is, What is the best canal we can build? I think everybody will admit that we ought to have the best. Nobody is willing to deny that, and yet we hear that a better canal can be built if you put in locks than if you cut a waterway clear across the Isthmus.

Now, Mr. President, I have taken more time than I had intended to take, and I am very sure I have taken more time than was profitable to the Senate; yet I should like to take up—and I would do it if it was the beginning of the session—these several items. I would show the difficulty and the danger in every step that the minority propose. I believe it can be demonstrated before the American people, as it was demonstrated before the board of engineers, tht the only safe canal is a sea-level canal.

Mr. President, the Senator from New Jersey dwelt with considerable force upon the fact that one more American engineer had declared for a lock canal than had declared for a sea-level canal. Nationality does not give men brains nor judgment. While I am proud of American achievements, I take off my hat to many an engineer who never put a foot upon American soil—engineers who have solved the greatest questions that ever interested the engineering world.

You will find on American soil to-day engineers whose voices have not been heard on this question who are as capable as any man of the minority or of the majority, and they stand with me that it should be a sea-level canal. I will arrange on my side of this controversy every practical shipowner and shipmaster of this country, without exception. I challenge you to find a single shipmaster who will ever tell you that a lock canal is better than a sea-level canal. He will protest from a practical standpoint that it is not safe to put a great ship in a lock.

Mr. President, I want to say one or two words on one other proposition. When this canal is built you will have to meet the competition of the Suez Canal; you will have to meet the competition of the transcontinental routes; you will have to meet the competition of the line recently built across the Tehuantepec Peninsula.

I have on my table here a statement made by an engineer whom I will put against any engineer who has been connected with this matter, and that is Mr. Wallace. I have Mr. Wallace's statement as to what the Tehuantepec Canal can do by way of carrying freight across that canal, the ship unloading it in the Gulf harbor, the railroad taking it from the ship in the Gulf harbor and putting it again on the ship in the Pacific harbor.

Mr. President, you will have to lower your tariff on the canal. That railroad across there can carry a ton of freight, taking it from the ship and putting it on the other side, for less than you propose to charge for carrying it across the Isthmus on this canal when it shall be completed. You will have to meet that, Mr. President. You will have to meet other competitors. You will have to meet in the next fifteen years five or six more transcontinental lines. Therefore, if you mean to make a financial success of this enterprise you must secure the business of the world, at least the business of the world that goes to the Pacific sea.

Mr. BACON. Mr. President, before the Senator takes his seat, if he will permit me, in connection with the mention of the Tehuantepec route, I want to state a fact which is probably not as well known to the public now as it was twenty or thirty years ago. There is in the Navy Department now on file a most interesting report of the commission that was appointed to survey the Tehuantepec route. The profiles and the estimated cost and the practicability of the work are all set out in detail.

For myself, while I never made any effort on that line, because I realized that it would be useless in view of the consensus of opinion in favor of the more southern route, I have always been of the opinion that the best route for a transcontinental canal which could be adopted was the Tehuantepec route, with 40 miles of a navigable river sufficient for the floating of very large vessels. There are 40 miles of that river, the name of which I have forgotten. It is a Mexican name.

I do not know whether or not the business of the world is going to develop to the extent which would justify more than one canal, but if it does, in my opinion the time may come when that will be the most formidable rival that we shall have for the business of an isthmian canal between the two oceans.

Mr. TELLER. Mr. President, at the risk of extending my remarks somewhat longer than I intended, I want to say that a good many years ago I examined this question pretty thoroughly in connection with the late St. Louis engineer, Mr. Eads, who considered that question in connection with the canal and also in connection with a ship railway. I had the pleasure of a personal acquaintance for many years with Mr. Eads, whom I regarded at the time of his death as the greatest engineer on American soil. He was the man who built the jetties at the mouth of the Mississippi River, a project condemned by every American officer and engineer of the Army, and condemned by a very large proportion of the American engineers on this continent. On his guaranty the Government agreed to pay a large amount of money for putting those jetties into operation, and the work proved to be a great success. Mr. Eads was the engineer who built the great steel bridge at St. Louis, a bridge which I suppose everybody here, more or less, has crossed over. He devised a system of railroad tracks on which to haul a ship out of the water and drop it into the water on the other side of the Isthmus. I am not certain but that, if he had lived, he would have carried out that plan. I know engineers differed as to whether or not that plan was feasible. While his plan was not by any means so satisfactory for handling ships as a canal would be, yet he could have carried a ship across the Isthmus in that way. There would have been the same liability to accident in that method of transporting ships as there will be in carrying ships through the canal. But, Mr. President, the place for the ship is in the sea or in the river; it is not on the land. When a ship gets out of water it is like a fish when it gets out of water. The fish is not at home, and neither is the ship, and both are liable to all sorts of accidents. While I was a great admirer of Mr. Eads, I always had my doubts as to whether his was as wise a plan as the plan of crossing the Isthmus by a canal.

We have had various routes selected for a ship canal. I am not at this hour certain that we have selected the best place for such a canal to cross the Isthmus. The only question as to whether Darien is the best place is as to whether or not the mountains, which in the prosecution of such a project have to

be tunneled, are granite. Nobody knows to-day whether or not they are granite.

We have gone into the construction of this canal without much thought and practically without much knowledge. I am afraid, Mr. President, when we get through with it, we shall feel that we have made a mistake. I do not want a further mistake made when we build a lock canal because we can build it in somewhat less time than we can a sea-level canal.

All I can say, in conclusion, is, that I wish Senators who are to vote on this subject would look into it and study it, and if they have any partisan feeling about it—I do not mean political partisanship, but I mean if they feel they are committed to one canal or the other, I hope they will feel free to consider it and determine between this session and the next session—for, of course, I am confident we are not going to dispose of this matter by any vote we may give here—so that we may settle this question in such manner that the nations of the earth will be satisfied with our effort to accomplish what for the last four hundred years has been considered more or less by the whole world.

Mr. President, this is a great enterprise. It can bring to us much credit and great glory, and it can bring to us much discredit and disgrace if we build a canal which ought not to be built.

Mr. KITTREDGE. Mr. President, if no other Senator desires at this time to address the Senate upon the unfinished business, I ask unanimous consent that it may be temporarily laid aside.

The PRESIDING OFFICER (Mr. FLINT in the chair). In the absence of objection, the unfinished business will be laid aside temporarily.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. PENROSE. Mr. President, under the unanimous consent agreement obtained last evening, I now ask that the Lake Erie and Ohio River Ship Canal bill be laid before the Senate.

The PRESIDING OFFICER. The Chair lays before the Senate the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

The Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDING OFFICER. The pending question is on agreeing to the first amendment of the bill as it has been amended.

Mr. BACON. Mr. President——

Mr. CLARK of Montana. Before the Senator from Georgia proceeds, I wish to suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEAN in the chair). The absence of a quorum being suggested, the Secretary will call the roll.

Mr. BACON. I will state that I do not want the roll called on my account.

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

Allee	Daniel	Kittredge	Penrose
Ankeny	Dillingham	Knox	Perkins
Bacon	Dolliver	La Follette	Pettus
Berry	Dubois	Long	Scott
Blackburn	Flint	McCumber	Simmons
Brandegee	Foraker	McLaurin	Smoot
Bulkeley	Foster	Mallory	Spooner
Burkett	Frazier	Millard	Stone
Burnham	Fulton	Morgan	Sutherland
Carter	Hansbrough	Nelson	Teller
Clark, Mont.	Hemenway	Overman	Warner
Culberson	Kean	Patterson	Warren

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. There is a quorum present. The Senator from Georgia is recognized.

Mr. BACON. I regret, Mr. President, that I was not permitted to finish the remarks I was proceeding to make upon this question when the bill was previously before the Senate, and I particularly regret that so much time has elapsed since then that it is difficult to resume and have the matter which I shall cover to-day directly connected with and relating to that which I endeavored to cover on the former occasion.

I regard this, Mr. President, as a very grave question, not simply with respect to the particular measure now before the Senate, although that is a very grave one, but also in respect of the precedent that it sets as the beginning of what will be a most marked departure, if we shall continue to follow it, and, as I shall endeavor to show, one of very wide and far-reaching consequences in the future business of this Government and the relations between the General Government and the States.

Of course I am not going to elaborate these great questions, for they are great enough to elicit not only all that I might say, but all that might be properly said by a great many other Senators much more capable of dealing with this important question than I am.

I will not attempt, of course, Mr. President, to repeat what I said on the former occasion, or even to make a synopsis of it. I will simply state, in order that the connection may be preserved, that I had endeavored to present to the Senate some reasons why this was not a proper piece of legislation for the United States Congress; that the creation of a corporation by Congress should be limited to the creation of such corporations as are required for the performance of great governmental functions, or for the performance of functions which corporations created by the States can not perform.

I had called attention to the proposition that even conceding—which we must do under the decisions of the Supreme Court of the United States—the fact that a corporation which is intended to subserve the purposes of interstate commerce is one which justifies Congress in the chartering of a corporation to be thus engaged, at the same time that was not the character of corporation which should be so chartered if that were the sole function to be performed and if that function could be as well performed by some State corporation. In that connection, I had called attention to the fact that doubtless an act chartering a corporation of this kind, in which it is recited, as it is in this proposed charter, that it is for the purpose of performing a governmental function, would be held by the Supreme Court of the United States to be a constitutional enactment. This would be so held, because the Supreme Court would not go behind the action of Congress to question the sincerity of Congress or to question whether or not that expression was inserted simply for the purpose of saving it from the condemnation of unconstitutionality on the part of the courts of the United States when they come to pass upon that question. The Supreme Court would not go behind that, and however insincere Congress might be in that recitation, however well known it might be that the purpose of that recitation was to save it from unconstitutionality, the Supreme Court would not undertake so to say.

I had stated to the Senate the proposition that when it came to the responsibility of Congress in the enactment of such a law, there was a high duty upon Congress to consider and determine the question whether or not the purpose was in fact and in truth to subserve some great governmental function which could not be equally subserved by a corporation created by a State; and that if, in the exercise of our duty, it was our opinion that the purpose was not to create a corporation for the performance of some governmental function that a State corporation could not equally well perform, even though we might be satisfied that the Supreme Court would hold such a law constitutional, our high constitutional duty was to carry out and make effective the spirit and intent and purpose of this constitutional restriction. In that connection I had quoted the very marked utterance of Mr. Webster in his argument in the great case of Gibbons *v.* Ogden, where he was contending for the exclusive power of the United States Government in that particular instance where the right to exclusive power in a matter which related to interstate commerce was called in question, and where the right to concurrent power on the part of the State of New York was contended for by the other side. Webster, while maintaining the authority of the United States and the right of the United States and the duty of the United States to control exclusively all matters which essentially and necessarily relate to interstate commerce, recognized that Congress should draw the line in legislation affecting the internal affairs of the States in such way as to preserve the exercise of their proper functions by the States.

That utterance of Mr. Webster was in response to the contention of those who represented the right of the State of New York to exercise concurrent authority in this matter. This was the contention on the part of those representing New York: That if it be true that the simple fact that a matter referred to interstate commerce vested exclusive power over it in the Congress of the United States and there was no concurrent power in the State, the conclusion necessarily followed that it not only related to that particular instance involving the right to control interstate commerce, but that it necessarily extended to every corporation or every agency which could be created or which might have part in the carrying on of interstate commerce. Mr. Webster replies to that by the statement which I have previously read, which is the pith of that part of his argument, that that conclusion was not a necessary sequitur; that it did not necessarily follow; but that while those matters which were essential in interstate commerce and so essential that they could not be performed by the States or by corporations created by the States, and that for the States to attempt such performance would cause confusion and conflict, still a reasonable construction must be given to the Constitution—

such a construction as, while it preserved the power of the United States, would still protect and recognize and respect the rights and powers of the States in the performance of their legitimate and proper functions.

I will not go over again, Mr. President, the argument which I endeavored to submit upon that question when I addressed the Senate two days ago upon this subject. My purpose to-day is to conclude what I had in mind on the former occasion in bringing to the attention of the Senate some of the practical consequences of our departure from this well-recognized rule and practice of more than a hundred years; for, while it is true that in some noted instances there has been a chartering of corporations by Congress for the purpose of interstate commerce, in most of those instances—the noted ones—the circumstances were peculiar and did come within the rule as laid down by Mr. Webster. I read from 91 United States Reports, where, in speaking of the circumstances under which Congress had chartered transcontinental railways, the court shows the peculiar circumstances which justified Congress in departing from the well-recognized practice which left to the States the chartering of these railway companies. I will take the liberty of reading it again in order that the connection may be kept up with what I am about to say. Referring to this act, the incorporation of a transcontinental railway, the Supreme Court, in the case of the United States *v.* The Union Pacific Railroad, in 91 United States, says:

> The act, as has been stated, was passed in the midst of war, when the means for national defense were deemed inadequate, and the public mind was alive to the necessity of uniting by iron bands the destiny of the Pacific and Atlantic States.

And again in the same paragraph:

> But vast as was the work, limited as were the private resources to build it, the growing wants as well as the existing and future military necessities of the country demanded that it be completed.

Mr. McLAURIN. From what case is the Senator reading?

Mr. BACON. The case of the United States *v.* Union Pacific Railway Company, in 91 United States Reports.

An additional fact which is alluded to in the decision, and which is known to us all, is that at the time of the chartering of that railroad possibly nine-tenths, certainly four-fifths, of that line of proposed railway lay across the public domain of the United States, then comparatively an unsettled, wild country.

It is true, Mr. President, that there can be found upon the statute book instances where some minor corporations have been chartered by the United States Government which would not by reason of any particular necessity for them measure up to the importance of these transcontinental railways which were thus chartered by the United States Government; but we know the fact that sometimes charters of that kind go through nem. con., nobody noticing particularly, whereas if they were challenged, possibly they would not have gone through. However, I think it may be asserted as a fact that in the long course of the legislation of this Government the general rule has been recognized that the chartering of corporations, even where within the law of constitutional right, has been limited to cases where such corporations were essential to the performance of governmental functions and where the performance of those governmental functions could not be as satisfactorily accomplished by corporations chartered by the States. The question is, Mr. President, whether we are to adhere to that recognized practice, even where we have the constitutional right to go beyond, or whether we will go beyond and open all the great consequences which must inevitably flow from such a departure on our part.

Before I conclude I intend to call attention to some of the features in regard to this charter, and then I will probably have a little more to say as to the question of the consequences which are to flow from this proposed action on the part of Congress if that action is to be taken as a precedent and followed hereafter.

Mr. SPOONER. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. Always, with pleasure.

Mr. SPOONER. The Senator, I suppose, has no doubt that the Government could build this canal itself?

Mr. BACON. None whatever, and I would infinitely prefer that the Government should do it rather than it should grant this charter to a company. I would very much prefer that the Government should do it, and I will give my reason before I get through.

Mr. SPOONER. If the Government might build it itself, of course it can exercise its constitutional right to choose the means by which it shall be built?

Mr. BACON. I do not dispute the constitutional right, so far as the question would be decided by a court to be or not to be constitutional.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. If the Senator will pardon me until I finish my sentence, then I will yield with pleasure. But I say when Senators come to legislate they are not to be limited in the discharge of their duties to the simple question whether or not the court will decide a thing to be or not to be constitutional, but that the high duty rests upon the legislator not only to limit himself to such matters as in his opinion will not be within the condemnation of the courts for unconstitutionality, but to limit himself to legislation which, in his opinion, is in accordance with the intent and purpose and practical design of the Constitution, even though when he goes beyond that it may be in a case where the court itself would not interfere. Now I yield with pleasure to the Senator from Texas.

Mr. CULBERSON. The Senator from Georgia and the Senator from Wisconsin seem agreed that the Government of the United States may itself construct a canal between States. Without expressing any opinion myself upon that question, I should like to ask the Senator from Georgia upon what provision of the Constitution he rests that power.

Mr. BACON. I would rest it probably upon the same provision that I would rest the right to construct the Panama Canal—a matter of importance to the Government in military defense, or in various ways; the improvement of the commerce of the country; in the same way and for the same reason that the Government improves a harbor or anything of that kind. I think it would be legitimate.

Mr. MALLORY. In other words, the Senator would put it on the ground that it was a governmental function.

Mr. BACON. Yes; the performance of a governmental function.

Mr. CULBERSON. But the Government of the United States is one of limited powers. Those powers are supposed to be enumerated in the Constitution. It would be a legislative act to authorize the construction of a canal, and I simply made this inquiry in order to invite an expression of opinion from the Senator from Georgia and the Senator from Wisconsin as to what specific authority there is in the Constitution for the Government itself to build and construct a railroad or to construct a canal.

If the Senator will pardon me, in a sovereign State that power is the essence of sovereignty, and it may do anything which its own constitution does not prohibit. But the Government of the United States is one of limited and enumerated powers, and if you undertake to say the Government of the United States may do this or that, then the question is, Where is the authority for it found in the Constitution?

Mr. BACON. Where does the Senator from Texas get the power for the Government to spend millions and hundreds of millions in building works in rivers to improve navigation?

Mr. CULBERSON. I have simply sought to invite an expression of opinion of the Senators who have announced themselves on this particular question.

Mr. KNOX. Mr. President——

Mr. NELSON. Will the Senator from Georgia allow me to ask a question?

Mr. BACON. I must yield to one Senator at a time, and I now yield to the Senator from Pennsylvania. Then I will yield to the Senator from Minnesota.

Mr. KNOX. Thanking the Senator from Georgia for the courtesy, I should like to answer the question propounded to the Senator from Georgia by the Senator from Texas.

Mr. BACON. If I may do so, without the act being misconstrued, I will sit down while the Senator speaks, because I shall be very glad to hear from the Senator from Pennsylvania not only briefly, but at length.

Mr. KNOX. It will be for only a moment.

Mr. BACON. I am not objecting at all.

Mr. KNOX. I should like to answer in the language of the Supreme Court in a recent case, decided in 1893, in view of the history of this class of legislation. I refer to the case of Luxton *v.* North River Bridge Company, 153 United States:

> It can not at the present day be doubted that Congress, under the power to regulate commerce among the several States, as well as to provide for postal accommodations and military exigencies, had authority to pass these laws.

This is speaking now of the law granting a charter for a bridge to be constructed across the Hudson River between New Jersey and New York.

> The power to construct or to authorize individuals or corporations to construct national highways and bridges from State to State is essen-

tial to the complete control and regulation of interstate commerce. Without authority in Congress to establish and maintain such highways and bridges it would be without authority to regulate one of the most important adjuncts of commerce. This power in former times was exerted to a very limited extent, the Cumberland, or National, road being the most notable instance.

The court goes on further, but I picked that out as being concrete.

Mr. BACON. I have that case before me.

Mr. NELSON and Mr. PATTERSON addressed the Chair.

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

Mr. BACON. I yield.

Mr. NELSON. I desire to ask the Senator from Texas under what constitutional power he justifies the right of the Government to appropriate money for the construction of a canal at Port Arthur, wholly within the State of Texas, and also to appropriate money for canalizing Buffalo Bayou? Under what paragraph of the Constitution does he find warrant and authority for those appropriations for works wholly within the State of Texas?

Mr. CULBERSON. Mr. President——

Mr. BACON. I promised to yield next to the Senator from Colorado.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas to answer the Senator from Minnesota?

Mr. BACON. Certainly.

Mr. CULBERSON. Acting upon the courtesy of the Senator from Georgia, I will say to the Senator from Minnesota that he takes the question I put to the Senator from Georgia and the Senator from Wisconsin rather too seriously. I expressed no dissent to that proposition myself, expressly stating that I would reserve my opinion. But I wanted to hear from those gentlemen.

Now, in the speech I made on the rate bill I stated that whether the power to regulate included the power to construct, and whether the Government of the United States, being one of limited and enumerated powers, could construct and operate railroads the same as a government of general sovereignty rather than of limited sovereignty could do, was a question unnecessary to be determined. I am disposed to believe that if the Government of the United States can construct and operate railroads and canals at all, it must be rested upon the authority to regulate interstate commerce.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. BACON. I do.

Mr. PATTERSON. The Senator from Pennsylvania [Mr. KNOX] read a decision by the Supreme Court of the United States, which was based, I believe, upon an act of Congress authorizing the construction of a bridge over a navigable stream between two States, and he read the language of the decision to the effect that Congress had not only power to grant such authority to others, but the power to construct such works. Does the Senator from Pennsylvania conclude from that decision that the right and power exist in the Government to construct, own, and operate railways, as well as the works used by other common carriers, extending through several States?

Mr. KNOX. If I may be permitted in the time of the Senator from Georgia——

Mr. BACON. Certainly.

Mr. KNOX. I will say that the language I read, while it is found in the report of the case in which the question was raised as to the validity of legislation authorizing the construction of the North River Bridge, was taken from the opinion of Mr. Justice Bradley in California *v.* The Pacific Railroad. So the court itself answers the question propounded by the Senator from Colorado, which is, Can the United States authorize the construction of a railroad? Speaking of the validity of that act, which did authorize the construction of a railroad, the court says:

The power to construct, or to authorize individuals or corporations to construct, national highways and bridges from State to State is essential to the complete control and regulation of interstate commerce.

It cites a notable case, with which we are all familiar, I especially so, having been born on the line of the road, that of the Cumberland, or National, road, which was constructed by Congress, running from this city, and which was intended to go to Cincinnati, but at Indianapolis was overtaken by the development of the railroads.

Mr. PATTERSON. The Senator has not given us his view. He reiterates the views of the Supreme Court of the United States in connection with that act of Congress, and then refers to the construction of the National road.

Mr. KNOX. It is from——

Mr. PATTERSON. Let me ask the Senator categorically whether it is his opinion, based upon the decisions of the Supreme Court of the United States, and the interstate-commerce clause of the Constitution, that the Government may construct and own and operate railroads throughout the United States?

Mr. KNOX. My opinion of the powers of the Federal Government under the Constitution is based upon the opinions of the Supreme Court, and I have not the slightest doubt that the Supreme Court decided that question in the way I read. If that is not a satisfactory answer, and if it were a question of individual opinion, which of course must be based upon the opinions of the court, I have not the slightest doubt about it.

Mr. PATTERSON. That it has the power?

Mr. KNOX. It has.

Mr. BACON. Mr. President, this is a most interesting question, and one of the class which I wish our lawmakers were more in the habit of considering—these limitations. I have no question, I repeat—I have said it several times—that this act would be declared constitutional under the decisions of the Supreme Court, broadly announcing the doctrine as those decisions have, that any charter enacted by Congress in which there should be a recitation of the purpose to facilitate interstate commerce would be declared by the court to be constitutional. I repeat, however, that that is not the rule by which we are to be guided in the enactment of a charter, unless we are prepared to say that we will in practice follow the rule and charter all corporations which are to engage in interstate commerce and which may so claim and apply to us to be so chartered.

I suppose no one will dispute the fact that if we were to do so, there would be an immense revolution in the business of this country and in the relation of the States to that business and the corresponding relation of the General Government to that business. I am going to have a little more to say about that somewhat later, and I simply pass that point now for the purpose of emphasizing the proposition that in determining whether a charter shall be granted it is not simply the question whether or not an act incorporating a company will be decided by the courts to be constitutional, unless we are prepared to go to the extent of saying that we are ready to charter all corporations which are going to be engaged in interstate commerce, because all of them would be held by the Supreme Court to be constitutional.

But while they would be so held to be constitutional, would it be consistent with our duty to go to that extent and charter all corporations engaged in interstate commerce in the United States, or should we in the exercise of our duty and our high constitutional obligation follow the suggestion of Mr. Webster, which I have twice quoted—I am applying what he said substantially in the matter of what ought to be our duty—that we should, in determining whether or not a certain charter should be granted, be guided by the great rule, is it necessary for the performance of a governmental function, which function can not be as well performed by a charter granted by a State? In every case where that function can not be as well performed by a corporation chartered by a State, then there is the strongest reason why we should exercise the power.

Mr. President, I am going to pass from that point immediately, because I propose to return to it a little later, when I shall make a little more practical illustration of the view which I take of our duty in regard to that matter. In regard to this particular charter, I say it will not be a corporation which will be discharging any great governmental function which could not be equally well discharged by a corporation chartered by the States of Pennsylvania and Ohio. I say the purpose of the canal is not the performance of a great governmental function. The simple fact that great interstate commerce will pass over it will not bring it within that category, unless we are prepared to go further and say that all carriers over which interstate commerce passes are performing a governmental function, and that an equal obligation rests upon us to give a Federal charter to every great railroad or steamboat or steamship company engaged in interstate commerce over which great interstate commerce is to flow.

In the second place, I say conceding all that is said by the learned Senators from Pennsylvania, who have both addressed the Senate on this subject, as to the vast importance of the construction of this work and the great benefits which will flow therefrom and the great evil which will result from the failure to construct the canal, our refusal to grant this charter will not prevent the construction of the canal, and that immediately.

I hold in my hand a pamphlet which has been laid on the desk of every Senator, in regard to this enterprise. I suppose the fact of the authenticity of every statement in it can be

accepted by us from the fact that the pamphlet comes from those who are interested in the procurement of the charter. Each Senator, if he has not disposed of it, has a copy of this pamphlet upon his desk, and on page 29 he will find the fact stated that the authority to build this canal has already been given by the States of Pennsylvania and Ohio. This pamphlet professes to be the proceedings had at a meeting in Pittsburg on November 29, 1904, in which there were addresses delivered by several eminent men, among them Mr. DALZELL, at present a Member of the House of Representatives, and Mr. John E. Shaw, who I take, from the allusions made to him and from the speech itself, to be a prominent citizen of Pittsburg, one fully authorized to speak with regard to that enterprise, because he seems to have been one of the most active men in its advocacy and proposed prosecution.

First I will read from page 24 of this pamphlet, where, under the subhead "History of the ship-canal project," he says:

> In 1889 the legislature of Pennsylvania appointed a commission to inquire into the practicability of such a waterway, and appropriated $10,000 for their use.

I will not read further from that part now. I will turn to that later, and I will now resume where I first proposed to read, from page 29, under the subhead "Canal can be built at once." In his speech Mr. Shaw stated this at that meeting:

> The provisional committee, after their exhaustive examination of the matter, and realizing what a tremendous bulwark it would be in both maintaining and protecting Pittsburg's commerce and trade, and her mining and manufacturing industries, proceeded a step further to clear the decks, so that the canal could become a reality.

I hope every Senator will listen to what I am going to read, and I wish every Senator who is going to vote on this question were in his seat to hear it:

> The route adopted as being the most economical in construction, and serving the largest commercial interests, lies about one-half in Pennsylvania and one-half in Ohio.
>
> The committee procured a general law to be enacted in Pennsylvania, authorizing a ship canal company to be organized to construct and operate a ship canal from the headwaters of the Ohio River via the Beaver and Mahoning rivers to the Ohio State line.
>
> A similar law was passed in the Ohio legislature authorizing a ship canal company to construct and operate a ship canal from Ashtabula on Lake Erie to the Pennsylvania State line on the Mahoning River, and authority was given in both States to consolidate their franchises at the State line and operate a through canal from the Ohio River to Lake Erie by one company.

Now, there is not only the separate authority given by the State of Pennsylvania and by the State of Ohio for the construction of this canal within the limits of the particular State. Here is a reciprocal piece of legislation by the two States, that they may meet at the State line and consolidate as one company to construct and operate this canal.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. Certainly.

Mr. KNOX. It is very obvious that there has been no attempt to conceal that fact. Otherwise the pamphlets would not have been laid on the desks.

Mr. BACON. No; of course there is no intention to suggest any such purpose to conceal——

Mr. KNOX. I wish the Senator would read the next paragraph. It indicates why they ought to have a national charter.

Mr. BACON. I have no doubt reasons can be suggested.

Mr. KNOX. There is no dispute about that.

Mr. BACON. I am speaking of the fact that, so far as the prosecution of this work is concerned, they have every authority and power now to proceed with its construction, and that a failure on the part of Congress to charter it will not interfere with the construction of the work. It goes on upon the next page—I will read it if the Senator desires I should in this connection:

> The committee went a step further, realizing that this canal was but a short connecting link between the waterway systems of the Great Lakes and the Ohio and Mississippi rivers under the control of the Federal Government, which would sooner or later be taken over by the Government and made a part of the Federal waterway system, even if primarily built by a private corporation, introduced a bill in Congress asking for power under a national charter to a corporation to build this canal.

That was an assumption, of course, as to the fact that the Government of the United States will ultimately take it over. I presume none of us will admit that as being correct. I suppose I could state it as a fact, for I understand it to be the fact, that when this proposition was first presented in the other House it failed of passage in a previous Congress. But I am simply now discussing the question whether or not the granting of the charter is essential to the prosecution of this work, even if we concede all that is said as to its great importance and its essential character. Evidently it is not. There could not be a more complete piece of legislation on the part of two States to authorize the construction and operation and maintenance of the canal than there already has been both by the State of Pennsylvania and the State of Ohio.

Mr. President, I want to ask the attention of the Senators present to a consideration of what are the evil consequences which are to flow from the doing of this unnecessary thing in the granting of this charter. In the first place, I called attention on a previous occasion to the fact that when a charter is granted by the Federal Government the States have no power to tax the franchise. The taxing of a franchise I believe is of modern development, but franchises have come to be recognized as a very important part of the taxable property of the corporation. When the Federal Government exercises its power and goes into a State and charters a company, even though under the law all the visible property of that company is subject to taxation, the franchise, an important part of the taxable property of that corporation when created by the United States, ceases to be taxable by the State. While of course we all recognize the truth of that proposition, I want to read what the Supreme Court of the United States said in a case in 127 United States, California *v.* Pacific Railroad Company, where the question before the court was whether or not a State had the right to tax the franchise of a corporation which had been created under a charter granted by the Federal Government. The court says this:

> Taxation is a burden, and may be laid so heavily as to destroy the thing taxed or render it valueless. As Chief Justice Marshall said in McCulloch *v.* Maryland, "the power to tax involves the power to destroy." Recollecting the fundamental principle that the Constitution, laws, and treaties of the United States are the supreme law of the land, it seems to us almost absurd to contend that a power given to a person or corporation by the United States may be subjected to taxation by a State. The power conferred emanates from, and is a portion of, the power of the government that confers it. To tax it is not only derogatory to the dignity, but subversive of the powers of the government and repugnant to its paramount sovereignty. It is unnecessary to cite cases on this subject. The principles laid down by the court in McCulloch *v.* Maryland, 4 Wheat., 316; Osborn *v.* The Bank of the United States, 9 Wheat., 738, and Brown *v.* Maryland, 12 Wheat., 419; and in numerous cases since which have followed in their lead, abundantly sustain the views we have expressed.

Mr. President, it may be a small matter that in one particular instance the United States Government will charter a corporation in a State and thus deprive the State of a very valuable part of what should constitute the taxable property of a State, but if we are to have this as a precedent and to go further and charter all corporations engaged in interstate commerce, it can be seen at once what an immense influence it must have upon the revenues derived from taxation in a State.

Mr. PATTERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Colorado?

Mr. BACON. I do, with pleasure.

Mr. PATTERSON. Should the act creating the corporation expressly grant to the State the right to tax the franchises of such a corporation within the State, might not then the franchises be taxed by the several Commonwealths?

Mr. BACON. In the case I have just quoted, I will say in answer to the inquiry of the learned Senator from Colorado, the court indirectly recognized that power. But the language used by the court shows how inconsistent they consider it with the dignity and power of the United States Government to delegate any such power to a State.

I will read——

Mr. NELSON. Mr. President——

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

Mr. BACON. If the Senator will pardon me just a moment until I finish the reply to the Senator, I will yield to him with pleasure. The Senator will recall that in the paragraph which I just read from this decision these words occur:

> Taxation is a burden, and may be laid so heavily as to destroy the thing taxed or render it valueless. As Chief Justice Marshall said in McCulloch *v.* Maryland, "the power to tax involves the power to destroy." Recollecting the fundamental principle that the Constitution, laws, and treaties of the United States are the supreme law of the land, it seems to us almost absurd to contend that a power given to a person or corporation by the United States may be subjected to taxation by a State. The power conferred emanates from and is a portion of the power of the Government that confers it. To tax it is not only derogatory to the dignity, but subversive of the powers of the Government and repugnant to its paramount sovereignty.

Mr. NELSON. Mr. President——

Mr. BACON. So, if the Senator from Minnesota will pardon me a minute, even if the right does exist and if Congress should confer the right, it would be in conflict with what the Supreme Court designates as the "dignity" and "prerogative" and "sovereignty" of the Government; and even if, for the purpose of avoiding what they concede to be a hardship, Congress should incorporate that in a measure, these great corporations, which in the aggregate, all over the United States, would make an

irresistible force, would have it in their power to come to Congress and get relief from this burden by securing amendments taking away any power granted to the States to tax these franchises.

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

Mr. BACON. I will yield. I said to the Senator I would yield to him.

Mr. NELSON. I wish to say to the Senator from Georgia that that is precisely what we have done in the case of the national banks. We allowed them to be taxed.

Mr. BACON. Undoubtedly.

Mr. NELSON. That does not, as far as I know, derogate from the authority of the United States in any degree.

Mr. BACON. That is true, and we have gone further in the matter of national banks. We have also made them subject to the jurisdiction of local courts. But nevertheless the proposition is as I have stated it. The matter of banks, Mr. President, is different. The banking business of the country is of a different kind from the business of common carriers or from any other industrial enterprise. I will not stop to turn aside to illustrate what those differences may be.

Now, Mr. President, another result which flows from Congress going into the States and chartering their business enterprises is that it takes away from the jurisdiction of the State courts a settlement of the controversies between the people of those States and these corporations thus chartered and confers it all upon the courts of the General Government. It is a very grave question to my mind whether, under the constitutional provision which gives to the Federal courts the jurisdiction between certain citizens in cases arising under the laws of the United States, Congress can by any enactment take that jurisdiction away from the Federal courts in the case of a company chartered by Federal law and confer it exclusively upon the courts of the State.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. KNOX. The Senator from Georgia must surely know that that is exactly what Congress has done in respect to national banks.

Mr. BACON. I have just stated the fact that jurisdiction in such cases has been conferred on the State courts. The Senator was not listening.

Mr. KNOX. No; the Senator answered the question of the Senator from Minnesota on the question of jurisdiction.

Mr. BACON. I added, in response to the Senator from Minnesota, that the law had gone further and conferred jurisdiction upon local courts in regard to controversies involving United States banks.

Mr. KNOX. Then I think the Senator has answered his own doubt.

Mr. BACON. No; not necessarily.. I have doubts very frequently, and I have no doubt the learned and distinguished Senator has, as to the correctness of legal propositions, even where they have been decided by the courts. I do not think I am misstating any fact in that case.

Mr. NELSON. I wish to call the attention of the Senator, if he will allow me, in connection with the point he last made, to the fact that in the judiciary act conferring jurisdiction on the circuit and district courts of the United States, the very language of the act is that those courts shall have concurrent jurisdiction with the courts of the several States, and under the bankruptcy act jurisdiction is left with the State courts.

Mr. BACON. Yes; that is true. I do not dispute that.

Mr. NELSON. That is the case under the Federal bankruptcy law. So there can be no difficulty in dividing the jurisdiction.

Mr. BACON. I am very much obliged to the learned Senator for calling my attention to facts as to these matters that of course we need to be reminded of, but which, I presume, every Senator present is fully aware of. That does not change the proposition that to my mind there is a doubt as to the correct construction of that section of the Constitution which gives jurisdiction to the courts of the United States in cases arising under the laws of the United States, as to whether or not the jurisdiction of the United States court can in any case be denied to one who has the right to claim it.

I do not mean to say, Mr. President, that the Congress can not give the right to a concurrent jurisdiction to one who claims anything under the laws of the United States, who may desire to go into the State court. The question upon which I have doubt is whether, where a case arises under the laws of the United States, one who claims a right to go into a Federal court can be denied it by reason of the fact that concurrent jurisdiction is given to a State court.

I wish the Senator from Pennsylvania or the Senator from Minnesota would show where the Supreme Court of the United States has ever decided that in such a case, where concurrent jurisdiction is thus given, it was not within the power of the party to claim his right under this constitutional provision, under the exercise of a right which had not been denied, when he asserted his right to be heard in a Federal court. If there is such a case let either of the Senators point it out.

Mr. NELSON. Mr. President——

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

Mr. BACON. I do.

Mr. NELSON. Whenever a Federal question arises the statute provides for a transfer to the Federal courts, and even where a case is litigated in the State court when it finally reaches the supreme court of the State, if there is a Federal question involved it can be taken up to the Supreme Court of the United States.

Mr. BACON. I had previously been well aware of the fact.

Mr. NELSON. It does not cut off the State courts from litigation. The matter can be reviewed in the Supreme Court of the United States, but in the first instance the State courts, the nisi prius court, and the supreme courts of the State have jurisdiction and try the case——

Mr. BACON. That is not the question.

Mr. NELSON. And the case goes up to the Supreme Court of the United States not because the lower courts have not had jurisdiction, but because there is a Federal question involved.

Mr. BACON. Well, Mr. President, I think we all must know that fact. We are all fully familiar with that rule of law. But that has nothing whatever to do with the proposition I am discussing.

Mr. NELSON. That law works in all other commercial and business transactions of the United States. Why can we not apply that same law and that same principle to the matter of the construction and operation of this canal?

Mr. BACON. Well, Mr. President, the Senator is not on the point I am on at all, or else I clearly misunderstand him. The proposition which I make is one upon which I challenge the Senator from Pennsylvania, or the Senator from Minnesota either, to furnish a decision. If there be such a decision, then I bow to it, of course. It is this: In a case arising under the laws of the United States (which in the removal cases the Federal court says involves all cases arising under a charter granted by the Federal Government), where concurrent jurisdiction is vested by law both in the Federal and in the State courts, and where a party interested in a case arising under those laws claims a right and seeks to exercise the right to have his case tried in the Federal court, where has the Supreme Court of the United States ever held that he should be denied that right, and that the case must be brought in the State court because concurrent jurisdiction has been given by Congress to the State courts?

Mr. KNOX. Mr. President——

Mr. NELSON. That is not denied. Is there anything in this bill which denies that right?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. KNOX. If the Senator from Georgia had not twice addressed me as the Senator from Pennsylvania and challenged me to produce an authority, I should not have interrupted him. But as I have not contended that there is any such decision I am not at all interested in searching the authorities to see whether I can find one.

Mr. BACON. I beg the Senator's pardon. Possibly I was a little too abrupt in my address to him. There was nothing certainly further from my mind than by word or manner to say or do anything in the least degree offensive, and if I was guilty of it, it was certainly without the slightest consciousness on my part. I judge from the Senator's reply that he did so consider it; and I beg of him to think otherwise, because there was nothing further from my intention.

Mr. KNOX. If I may be permitted, I will say I had not the slightest feeling about it, but it seemed to be so direct as to what the Senator regarded as authority upon that subject that, not recognizing the relevancy of the proposition to the bill before the Senate, I did not think it worth while to bother about it.

Mr. BACON. The relevancy, if the Senator will pardon me, is just this: I was speaking of one of the great evils which would result from the Federal Government entering upon the domain of granting charters to industrial enterprises of various kinds engaged in interstate commerce in the States; that as

a consequence the State courts would be deprived of their jurisdiction.

Mr. KNOX. Mr. President——

Mr. BACON. If the Senator will pardon me just a moment, I will then yield to him with pleasure. I have not finished the statement of the proposition. It had been suggested and stated both by the Senator from Pennsylvania and myself that to avoid an evil of that character in the case of the national banks concurrent jurisdiction had been given by the Federal statute in the State courts and in the Federal courts; and the Senator from Minnesota had gone further and instanced other classes of cases where there had been such concurrent jurisdiction granted by the Federal statute. My reply to that had been that it did not necessarily restore the exclusive jurisdiction to the State courts, for the reason that if the controversy arises under the laws of the United States, as every controversy will arise in a case where there has been a Federal charter, the party had his right under the Constitution to the jurisdiction of the Federal courts; and that even if the right of concurrent jurisdiction were admitted there could not be any denial to him of the Federal jurisdiction if he claimed it and insisted upon it. Thereupon it was that, possibly with too much earnestness, I suggested that if I were in error the Senator from Pennsylvania or the Senator from Minnesota would be able to produce an authority to the contrary. That I think, Mr. President, shows that it was extremely relevant to the question involved.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. Certainly.

Mr. CULBERSON. I hope the Senator will pardon me, Mr. President. I have not heard all the discussion on this immediate point, and probably what I am going to say is not altogether relevant, but I concluded to call the attention of the Senator from Georgia to it anyway. The fact to which I refer is that the Supreme Court of the United States in what are known as "the Texas and Pacific Railway cases" has decided that by reason of the charter of that company alone by Congress it has the right to remove all its cases to the Federal courts for trial.

Mr. BACON. The Senator is quite correct. I had referred to them generally as the removal cases. I had not given the name of the cases.

Mr. CULBERSON. The Texas and Pacific Railway cases.

Mr. BACON. Yes; I know the cases. In two volumes, 111 and 115, if I correctly remember the numbers of the volumes, what are known as the removal cases are found. I had stated the proposition; but I am obliged to the Senator for again calling attention to it.

Now, Mr. President, I am, of course, occupying very much more time than I had any anticipation of doing. I have called attention to the fact that in the granting of a Federal charter for any carrier engaged in interstate commerce in a State, the right to tax the franchise by the State is taken away, and next that the right to the enjoyment of the trial of cases in State courts is practically denied where a party claims his right to trial in the Federal courts, even where concurrent jurisdiction is conferred by the law upon the State courts.

Another most grievous evil, to my mind, is the entering by the Federal Government in a wholesale way upon the exercise in States of the right of eminent domain. If the time shall some when the Federal Government, acting upon what we recognize as the doctrine laid down by the Supreme Court of the United States, proceeds to charter all those enterprises engaged in interstate commerce, then we have not here and there in isolated instances the exercise of the power of eminent domain by the Federal Government, but in a widespread system, reaching every nook and corner of a State where railroads penetrate, we have the Federal Government entering upon the exercise of this great fundamental and highest of all prerogatives, which takes a citizen's property without his consent.

Mr. NELSON. Will the Senator yield to me a minute?

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

Mr. BACON. I do.

Mr. NELSON. I want to call the attention of the Senator from Georgia, in connection with what he has just stated, that he is in error. Under sections 11 and 12 of this bill the right of eminent domain by this canal company is to be exercised under the laws of the respective States, so far as it concerns the State of Ohio, under the laws of that State, and so far as it relates to the State of Pennsylvania, under the laws of that State. So we do not withhold the exercise of the right of eminent domain from the States in any measure whatsoever.

Mr. BACON. I am very much obliged to the learned Senator. I am not discussing this particular charter in this particular connection, but even if I were, it would none the less be the exercise of eminent domain by the governmental power and authority of the United States. Even though you adopt the machinery prescribed by the State, it is none the less the going into the State by the Federal Government and reaching every remote corner of it in the exercise of the right of eminent domain. I am not speaking as to this particular case alone or limiting it to this case, but what will be the result if we enter upon this general policy of going into a State and reaching every corner of it in the exercise of the right of eminent domain by the United States Government.

Now, in this particular case, Mr. President, coming to that, it is true, I repeat, as stated by the Senator, reading from the particular section of this proposed charter, that it is prescribed that the exercise of this right shall be according to the law of each of these States. But it is none the less the exercise of the power by the Federal Government.

I am sorry that many Senators who are to vote upon this question, and some of whom are directly interested in this matter, are not here to hear it discussed. I want to call attention to the wide, far-reaching provisions of this bill under which the right of eminent domain by the authority of the United States is to be exercised, not simply in the two States that the Senator speaks of, but also in the State of New York, because a part of the territory covered by this charter in subjecting water courses, etc., is in the State of New York, although it is not named.

I wish to read some of the powers here. I read from page 8, section 11:

SEC. 11. That the said company, in the exercise of its right of eminent domain as granted in section 2 of this act, may, at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed, enter upon and take such lands as are necessary and proper for the making, maintaining, and operating of the canals, feeders, and other works of the company hereby authorized, and it shall have the authority, at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed, to alter any and all highways, waterways, railroads, and other works, either public or private, necessary for the making, maintaining, and operating of the canals, feeders, and other works of the company.

Now, Mr. President, while that is to be done in accordance with the machinery of the States, the power and authority are the power and authority of the United States.

But there is another feature of the exercise of eminent domain in this bill which is a very much more serious one than that, and that feature is found in the twelfth section, which authorizes this corporation to control all the waters of certain streams, with certain exceptions mentioned, and which I will read, of every kind in three States—Ohio, Pennsylvania, and New York—which, while I can not, of course, state with accuracy, I judge by such an examination as I am able to give it upon the map will certainly cover an area of between 10,000 and 20,000 square miles.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. KNOX. I know the Senator wants to be accurate, and therefore I call his attention to the fact that it does not permit the control of all the waters of the Allegheny River above Franklin, but only the flood waters.

Mr. BACON. I am coming to that.

Mr. KNOX. The Senator stated that section 12 provided for the whole control of the waters. I only want to call attention to the fact——

Mr. BACON. I said with certain exceptions, which I would name the Senator.

Mr. KNOX. That is not an exception.

Mr. BACON. Well, limitations, then. I was careful to guard my language, but was possibly not accurate in its use. When I said "exceptions" I had that particular thing in my mind, and I think that possibly the language might be sufficient for the general purpose. When I used the word "exceptions" I meant that it was not unlimited, and that I would call attention to its particular features. Now I am going to read that section, Mr. President.

SEC. 12. That the said company in the exercise of its right of eminent domain as granted in section 2 of this act may, subject to the rights of the States, respectively, through which said canals shall pass, or any of the municipalities thereof affected thereby, to regulate and control the same, obtain, take, and use for the construction and operation of the said canals, feeders, and other works from the rivers, lakes, brooks, streams, water courses, ponds, reservoirs, and other sources of water supply sufficient water for the purpose of constructing, maintaining, operating, and using the said canals, feeders, and other works hereby authorized.

That certainly is without limitation.

Mr. NELSON. Mr. President, I ask the Senator to read the proviso of it.

Mr. BACON. I am certainly going to read it all. The Senator need not doubt that. I simply pause at that point, Mr. President, for the purpose of saying that where the semicolon occurs in line 19, up to that point there is no limitation or exception.

From the rivers, lakes, brooks, streams, water courses, ponds, reservoirs, and other sources of water supply sufficient water for the purpose of constructing, maintaining, operating, and using the said canals, feeders, and other works hereby authorized.

There is no exception, no limitation; and I repeat, Mr. President, that, so far as I can judge by simply inspecting the map, there is an area of territory between ten and twenty thousand square miles upon which there is this absolutely unlimited power to take and use, and, as will be seen in the succeeding portion of the section, which I shall read, there carries with it the power to divert and to impound; and there is not a spring or a brook or a rivulet or a stream or a reservoir or a pond in all that vast area but what, with the great power of the United States behind it, this corporation can go into it and take for its own use, of course paying for it. But who can pay for the damage done to a neighborhood in drying up a stream, in the impounding of its waters, and the consequent drying up of the bed below? Who can pay, what money can pay, in a vast territory such as this, for the absolute sequestration and condemnation of all the water of every kind and from every source upon which the health and the comfort and the pleasure of a great people are so dependent? And yet there is no limitation to it.

Mr. President, it is bad enough for the State to grant such a power, but it is infinitely worse for the Federal Government to do it. When a State grants such power, if the people are troubled by it, there is very little difficulty in their going to the legislature and having it corrected; but who can estimate the difficulty which would attend the people who have this great, to say the least of it, inconvenience and trouble brought upon them, when they come to Congress to contend with the influences of a corporation with power to organize with a capital of $200,000,000, as is given in this charter? Who can estimate their difficulty when they are to come here and ask that Congress shall restore to them their springs, their brooks, their rivulets, their streams, their ponds, their reservoirs? Let Congress do that if it will, but it shall go down in the record of this day's proceedings that there was at least one man in the Senate of the United States to protest against it. Then it goes on——

Mr. NELSON. Mr. President——

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

Mr. BACON. Certainly.

Mr. NELSON. I desire to call the Senator's attention—I do not think he states the question fairly——

Mr. BACON. I have read the quotation accurately.

Mr. NELSON. All this must be done, the Senator will find if he will read the first part of section 12, "subject to the rights of the States, respectively, through which said canals shall pass, or any of the municipalities thereof affected thereby, to regulate and control the same."

Mr. BACON. Well, I have read that.

Mr. NELSON. All that of which the Senator from Georgia complains must be done subject to the laws of the States; and he has entirely overlooked the proviso at the end of the section.

Mr. BACON. I have not got to that yet. I have said to the Senator that I was going to read it. I have already read the particular words which he now quotes.

But, Mr. President, what does it mean when Congress passes a law giving certain rights and powers under that law when you say it shall be subject to the regulation and control of the States? Does it mean that the State can pass a law and negative this law? Would any man contend for a moment that any law of a State could nullify any single provision of this charter? Absolutely not. It would simply be a question, Mr. President, whether or not, when the Federal court comes to decide it, that this law, with all these powers, is being exercised in accordance with the rights of the States. Can it be said that where Congress empowers a company to take a stream and to impound it, or to take all the water from all the streams or all the reservoirs in a State and impound them, that any State should pass a law and say they should not do it; that the power granted by Congress would be negatived? No man will contend that for a moment. We give the express power to do these particular things, and we give them without reservation. The power given to the State "to regulate and control" does not carry with it the slightest power to negative and destroy the powers given to take, divert, impound, and use these waters. It only gives the power to the State to regulate and control the manner of taking, but in no particular to prohibit or in the slightest degree to limit the taking.

Mr. President, to continue with the reading where I left off, without the omission of any words, I am going to read it clear through, including the proviso, which the Senator from Minnesota has twice called to my attention. In the enumeration of powers it goes on to say:

Control and regulate the flood waters of the Allegheny River above Franklin, Pa., and the Beaver, Mahoning, Grand, Ashtabula, Shenango, and Little Shenango rivers, and Sandy Creek, and the tributaries of said streams, by regulating dams, weirs, reservoirs, and impounding dams—

That is sufficient up to that point. That simply means, of course, Mr. President, that as to these great rivers the flood waters are to be impounded in the same way that the waters are to be impounded under the irrigation scheme, and as to that there is no particular objection; but that has no particular relation to it. That is divided by a semicolon, and it has no relation whatever to the power previously given, which authorizes this corporation to utilize, divert, impound, and take to themselves all the waters referred to in the first part of this section after the semicolon in the nineteenth line. That power, up to the word "dams" in the twenty-third line, refers to dealing with flood waters; but the words which I now read do not refer to flood waters. The section continues:

and divert, alter, or impound the waters of any river, lake, brook, stream, and the tributaries of said streams or water courses when the same is necessary to the making, maintaining, and operating of the said canals, feeders, and other works hereby authorized.

Mr. President, there could not be a broader grant to this great corporation to go into this wide extent of territory and absolutely sequester and take to itself all the waters outside of the particular rivers to which the Senator from Pennsylvania has called my attention, all waters of every kind whatsoever, and divert them and impound them and use them. There could not be a broader grant than is given in this section.

I am now going to read, as desired by the Senator from Minnesota, the proviso:

Provided, That nothing herein contained shall authorize said company to impair the navigability of any river or stream, or to diminish at any time the water supply of any city, village, or municipality below the normal minimum discharge cross-section area of any such river or stream, or in any manner to pollute the same.

Now, stop there. There is a protection of the water supply necessary for the navigation of a river, but that does not protect in the waters I am talking about. I am talking about the water to supply this vast population in parts of three States in between ten and twenty thousand square miles of territory. That relates simply to navigable rivers. It also relates to denying to them the right to "diminish at any time the water supply of any city, village, or municipality." That is the sole restriction. So far as the farmer is concerned and so far as the general mass of the people throughout this vast territory are concerned, who are dependent upon their springs and their streams and their rivulets and their brooks and their creeks for health and even life, there is absolutely no restriction. If the Senate is ready to pass a bill with such a provision in it, I repeat it shall not be said that it was passed without objection.

There is another proviso to the same section which reads:

Provided, That no feeders to supply water shall be connected with or draw water from the Niagara River above the Niagara Falls.

That is the entire section, and I repeat that it is an impossibility for any legitimate construction of that section to get away from the proposition that, outside of these large rivers, where the use of water is limited to the flood waters, outside of the use of water which would impair the navigability of a stream, and outside of the use of the water necessary for the purposes of any city, village, or municipality, there is absolutely no limit upon the right of this corporation to entirely take and use all the water which may be found in that country.

Mr. President, if anyone will look at that map, which was put here for the purpose of illustrating the necessity for this great work, he will see that from the character of the streams there, unless the water is to be gotten out of Lake Erie, all the water that is found in these little streams will be necessary to supply this great canal with a depth of 15 feet of water and a width of 167 feet at the bottom. The dimensions are stated in this pamphlet. It is to be a tremendous canal, and amounts really to a great river.

Mr. PENROSE. It will be 12 feet deep, I will say to the Senator.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. PENROSE. Little or no water will come out of Lake Erie.

Mr. BACON. I am coming to that point a little later on. I

am speaking now of the question as to whether or not, when the right is given to take all the water of every spring, rivulet, brook, and stream of every kind, it is an idle grant, or whether it is a grant which, if this canal is to be built and operated, must necessitate the use of these waters to the absolute destruction of the use of them by the people.

One other point, Mr. President. We have passed through the Senate "a bill for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes." It has also passed the House of Representatives, and is now in conference, as I understand, upon some amendment. That bill is most carefully drawn and is most stringent in its provisions. The necessity for it grows out of the fact that on both sides of the Niagara River the utilization of the water, which would otherwise go over the falls, is so great for manufacturing purposes and objects of a kindred nature that the destruction of that great attractive feature of our country is imminent. Therefore, we have passed that bill, in which we have most carefully stipulated by accurate terms the limit of the amount of water which would otherwise flow over the falls at Niagara. That limitation, Mr. President, is not confined to the Niagara River itself, but it is extended to the Great Lakes, which supply the water which flows over the falls at Niagara.

We have put certain matters within the control and discretion of the Secretary of War, such as that there shall not be anything taken in the way of water for this purpose out of the Niagara River or tributary lakes except by his consent. But not content with prohibiting the use of any water without the consent of the Secretary of War, we limit his discretion in this bill which the Senate has passed.

After stating that with the approval of the Secretary of War so many horsepower, etc., may be used of the water of Niagara River, we put in this proviso:

Provided always—

This is on page 3, if the Senator has the bill before him—

Provided always, That the provisions herein permitting diversions and fixing the aggregate horsepower herein permitted to be transmitted into the United States, as aforesaid, are intended as a limitation on the authority of the Secretary of War.

In other words, we give him the discretion within certain limits, and beyond those limits there is no discretion to be vested in him. He can not authorize the use of any water beyond the limitation.

The senior Senator from Massachusetts [Mr. LODGE] before he left here two days ago gave notice of an amendment which he stated the Senator from Wisconsin [Mr. SPOONER], in his absence, would move for him, and which uses this language:

Provided, That no water shall be drawn from above Niagara Falls unless approved and allowed by the Secretary of War.

Mr. President, that amendment is not sufficient if we are to adhere to the policy which we affirmed when we passed the bill from which I have just read. It is not sufficient to say that the Secretary of War shall approve the use of any of this water. If we are to adhere to the policy which we have adopted, it is necessary to go further and say that no water shall be taken from Lake Erie for this purpose which, in the aggregate, with other waters taken, shall exceed the amount specified in that bill. That bill has not yet become a law, and therefore it is impracticable for me to allude to it or to cite it as a law which imposes a limitation; but I shall ask the Senate to adopt this amendment to the amendment of the Senator from Massachusetts. In the first place, after the word "Falls," in the second line of his amendment, I would ask that there be inserted the words "either from Niagara River or its tributaries;" so that the amendment as amended would read:

Provided, That no water shall be withdrawn from above Niagara Falls, either from Niagara River or its tributaries, unless approved and allowed by the Secretary of War.

That language, "Niagara River or its tributaries," is found substantially in the bill which we have passed. Then I shall ask that there be added to the amendment these words:

And provided, That no greater amount of water shall be diverted from Niagara River or its tributaries above Niagara Falls than shall be specified in any general law of the United States limiting the same.

Mr. President, I want to call the attention of the Senate to the fact that it is perfectly practical, if I understand the matter aright, to use an amount of water in the operation of this canal which would utterly destroy the Niagara Falls. It is true that what is known as the "divide" on the immediate line of the canal is some distance from Lake Erie, and if that could only be surmounted by a series of locks of course the water which flows from the lake into that part of the canal would be arrested when it reached this high ground, and there could be no great flow of water from the lake on that account; but the important fact is this—and I ask the attention of the Senator from Wisconsin to this fact, because he has been especially charged by the Senator from Massachusetts with the care of his amendment—that, according to the map which has been brought here for our information, that divide is some distance from Lake Erie on the immediate line of this canal; but when we go northeast, into the State of New York, it will be found that the divide runs practically up to the lake—certainly it is within a very short distance of the lake shore—and that it is perfectly practicable by what is known as a "feeder" to construct a canal northeast of the mouth of this proposed canal, which, leading from Lake Erie, shall go on the east side of this divide and conduct water to this canal upon the southern side of the divide and furnish it with an unlimited water supply from Lake Erie.

Mr. President, Senators may differ as to whether or not the Falls of Niagara are to be preserved; but the Senate at least has given its approval to the proposition that, so far as legislation can effect it, they are to be preserved. It does seem to me, therefore, that it would be the veriest contradiction of our former action for us to give a charter to a company which would have the power, under the conditions which I have named, to take from the Niagara Falls by drawing away from Lake Erie an amount of water which would practically destroy those falls.

As an illustration, Mr. President, of the importance of limiting this by law, and not leaving it to the discretion of the Secretary of War or any other one man, I will state that in a discussion of this question with a prominent Senator, who is not only fit to be Secretary of War but eminently fit to be President of the United States, if he should be chosen for that position, he said to me that he regarded the construction of the canal as of very much more importance than the preservation of Niagara Falls. So that if he should happen hereafter to be Secretary of War and should take that view of it he might give a consent which would result in the practical destruction of this great scenic feature of our country.

There is another fact to which I want to call attention. Anyone who will examine the map will see that the tributary rivers, the tributary streams, brooks, etc., the taking of the waters of which is authorized by this charter on this southern divide, run within a very few miles of the shores of Lake Erie in New York, and it is perfectly practicable, cutting to the east of that divide to the shores of Lake Erie, to connect the waters of those streams with the waters of Lake Erie, and in that way bring them down to the waters of the Monongahela.

The waters to be affected are not limited to the State of Pennsylvania or of Ohio. The tributary waters of the Allegheny River are in the State of New York. The famous Chautauqua Lake feeds one of the streams that is a tributary of the Allegheny River. Its western shore is within a very few miles of the eastern shore of Lake Erie, and, so far as I can judge from information had and from an examination of the maps, it would be a matter of the easiest practical accomplishment to cut what is known as a "feeder" from Lake Erie to Lake Chautauqua, and then cut from the southern shore of Lake Chautauqua a channel which would make a feeder down to the Allegheny River.

Mr. President, Lake Chautauqua is included in the authority given in this act. Lake Chautauqua is one of the lakes the waters of which this canal company is authorized to use without limit for the purpose of supplying this canal, and it is perfectly practicable, by cutting what is known as a "feeder" at Lake Chautauqua to conduct its waters out to this proposed canal, to lower the surface of that lake 6 or 8 or any other number of feet, according to the depth of the feeder. Yet New York is not to be consulted in the matter, and no citizen of the State of New York can possibly be heard relative thereto.

Mr. President, I shall not consume further the time of the Senate. I had not, in the discussion of this matter, had in view the expectation of defeating this charter; but, for several reasons, I think it is a most unfortunate thing that it should be granted. First, it is absolutely unnecessary, because the States of Pennsylvania and Ohio have already granted authority for the building of this canal, and have had reciprocal legislation which authorizes the two companies formed in the two States to meet at the State line and make a consolidated company for the construction and operation of this canal. In the second place, I am opposed to it because it opens a precedent, the extent of which, if followed, is absolutely startling in its immensity. If this charter is granted, it will be upon the ground that, under the Constitution of the United States, a company which is to be engaged in interstate commerce is a company which can be properly chartered by the Congress of the United States. If that principle is to be adopted and carried out to

its fullest extent, it will relate to every railroad of any consequence in the whole United States, and will absolutely turn over to the Federal Government and to the administration of the Federal courts everything which relates to the management and control and business of practically all the railroads in the United States. What a revolution that will be in the internal affairs of each State is beyond the power of practical realization in its mere anticipation.

I am particularly opposed to it, Mr. President, because if we are to follow this precedent the States would absolutely lose the control of matters of this kind in so far as they relate to interstate commerce; they would lose control as to every corporation, great or small, on the land or on the water, engaged in interstate commerce. Can it be said that we are not going to do it? Are we to do it when any one of them asks for it? Are we to grant a charter whenever a corporation comes up and demands it, or are we to say, "We will be respecters of persons, and we will grant it in some cases and refuse it in others?" What can we do consistently, Mr. President, but to say that, recognizing the vast consequences which are to flow from this, we will grant these charters in no case except where there is involved a great governmental function, the performance of which can only be properly accomplished through a charter granted by the Federal Government, and the performance of which can not be accomplished through a charter granted by a State government.

Mr. President, there are a number of other details in this bill to which I should like to call attention, but I shall very briefly allude to but one matter. This bill proposes that these incorporators be permitted to issue stock not exceeding $400,000 per mile, and that they be authorized to issue bonds not exceeding $400,000 per mile, or a total of $800,000 per mile. I have in this pamphlet, from which I have already read, the estimate by those who have made an examination of the matter, as to the cost of the construction of this canal. Referring to page 24, after speaking of the fact that the legislature in 1899 had appointed a commission to inquire into the practicability of this waterway and appropriated $10,000 for that purpose, it says—this is from the speech of Mr. Shaw, on the occasion of this great meeting in Pittsburg:

> They reported a canal could be built via the Beaver and Shenango rivers to Conneaut Harbor at a cost of about $30,000,000.

I presume that that is the most practicable route, or they would not have selected it for that purpose.

Mr. President, in this same speech it is stated that the length of that canal would be 122 miles. If any Senator will figure on it, he will ascertain that it is about $270,000 a mile; and here is a corporation, with a report which they themselves bring here and lay before us, which says the canal can be constructed at $270,000 a mile, asking us that they may put upon it obligations to the extent of $800,000 a mile.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Pennsylvania?

Mr. BACON. I do.

Mr. KNOX. I wish to direct the attention of the Senator from Georgia, as well as the attention of the Senate, to the report of the Senate committee on that subject. The report of the Senate committee shows that the unit cost of construction upon every item which will enter into the construction of the canal has advanced in some cases as high as 60 per cent; and in a letter written to the chairman of the subcommittee, who reported the bill, it is shown that the cost of the physical structures alone on the present prices will amount to over $500,000 a mile, and that makes no allowance whatever for damages to be paid to property owners through whose land it passes or whose streams it may divert or other expenses incident to the construction of the canal.

Besides, the matter of capitalization is absolutely guarded by the Senate amendment, which prevents these people from issuing a dollar of capital over and above that which is actually required to construct the canal.

Mr. BACON. I will say to the learned Senator from Pennsylvania that if the bill is properly guarded in that particular, of course the criticism which I make in that regard is an improper one, and I would not insist upon it. I understand that the junior Senator from Wisconsin [Mr. LA FOLLETTE] has an amendment upon that subject. I have not had any opportunity to examine it. The Senator will very readily recognize the fact that reading from a report which he himself had laid before me, I was certainly excused if I was misled into supposing, when that report stated that the cost of the canal would be $30,000,000, that that statement was correct. If it is not correct, I do not wish to make any adverse criticism upon it.

Mr. KNOX. That is a very natural mistake to make; but if the Senator had observed, the pamphlet to which he refers was issued in December, 1904.

Mr. BACON. Yes.

Mr. KNOX. And this letter written to the Senator from Minnesota [Mr. NELSON], who reported the bill, was written March 20, 1906.

Mr. BACON. That is true. But the pamphlet was laid upon my desk by the Senator or his colleague, or by their authority, and when I receive a statement direct from those most interested, I certainly am excused if I do not go further to see whether or not it is correct. I was relying upon information which the Senator himself had put in my hands, and for that reason it was not necessary to go any further to look. If the Senator says the information he gave to me is incorrect, I accept the statement, and the Senate will understand that I do not make any criticism upon it, although I confess I am unable to understand how the estimated cost of this proposed canal has been raised from $270,000 per mile to $800,000 per mile.

Mr. KNOX. I do not state that the information was incorrect. The information was absolutely correct at the time it was given.

Mr. BACON. I know; but I mean now.

Mr. KNOX. The reason for the additional cost is fully explained in the report. I should think that the Senator who has occupied so much of the time of the Senate in debating this bill would at least have read the committee's report.

Mr. BACON. The Senator says it was correct at the time. I supposed when I received it from the Senator that he meant me to understand it was correct now. I do not mean that the Senator intended to mislead me. I know he did not. I am simply suggesting to the Senator that when he puts before me a document in which a statement is made, I do not deem it necessary to go further to see whether those conditions have changed; and there was no intimation to me that they had changed; and I repeat I do not see how the changes in conditions in two years can cause so great a change in cost.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. BACON. Certainly.

Mr. CULBERSON. Let me call the Senator's attention to a matter in connection with the statement he has just made. The Senator from Georgia has very properly pointed out that under section 3, stock to the amount of $400,000 a mile, and bonds in addition, to the extent of $400,000 a mile, may be issued against this property. I call his attention to another fact, which to my mind is significant, and that is that the debt referred to is limited to bonded indebtedness, and the words "and other," referring to indebtedness, have been stricken out.

So, in addition to stock at the rate of $400,000 a mile and a bonded indebtedness of $400,000 a mile, there may be other indebtedness issued against this property. For some reason which I do not understand, but which appears to me significant, the words "and other" were stricken out, so that there is no limitation whatever in the bill upon the amount of indebtedness which may be issued against the property of this corporation per mile, except with respect to the bonded indebtedness. Of course there may be other indebtedness against the property than that evidenced by bonds.

Mr. BACON. I am very much obliged to the Senator. The fact to which he has alluded had escaped me.

I desire to call attention to one other matter, and that is section 5. This assumes to be a great work in the interest of the public, and the bill undertakes to make provision by which the public is to be protected from improper charges. The words are used in the bill which were taken from the rate bill—that the charges shall be "just and reasonable and fairly remunerative." I presume the Senator who favored the striking out of the words "fairly remunerative" from the rate bill will also favor striking out those words from this bill so as to leave it "just and reasonable."

Mr. CULBERSON. In what section is that?

Mr. BACON. I have forgotten where that is particularly. Those words are in there—"just and reasonable and fairly remunerative." But the point I am calling attention to in the fifth section is this: In this provision the proposition is certainly intended to be laid down and the understanding had that there should be only a fair remuneration to those who go into this enterprise for the work which they perform and the investment which they make. In addition to that, though, section 5 provides this:

> SEC. 5. That the said company may from time to time set aside a portion of its net earnings to be a sinking fund for the redemption of its said bonds or securities, with or without unearned interest, at such times, in such proportion, and in such manner, by allotment or otherwise, as may be determined by the board of directors.

Then immediately thereafter in the next section it prescribes that whenever there has been as much as $5,000 for every mile subscribed and paid in there may be an organization, and there is no provision in the bill—I may be mistaken, and if I am I shall be glad to be corrected—which requires the payment of any additional money. Taking the two together, with this vast amount of bonded indebtedness authorized and the unlimited indebtedness further authorized, to which the Senator from Texas has called my attention, it is manifest to my mind—I may be mistaken about it; I may draw an improper conclusion—that the scheme is to pay in $5,000 a mile, and to contract a great debt, and then to make the public out of what it shall pay for the use of the canal pay ultimately for the canal. This can be done, as there is no limit on the contraction of debt other than the bonded debt.

I think if this is to be a great enterprise, in the interest of the public, that those who go into it should pay for it out of their own pockets, and not out of the earnings from the people, unless they use their own dividends when earned for the purpose of paying it off. They should not themselves enjoy dividends and at the same time have the right to make such charges as will enable them in addition to lay aside money which will ultimately pay the cost of the construction of the canal.

Mr. President, I want to say just one word in a matter I omitted in speaking of the constitutional question. I have no doubt in the world, as I have repeatedly said, as to the ruling of the Supreme Court in the future, as it has made in the past, that Congress has the right to charter a corporation to engage in interstate commerce. I have as little doubt about that as I have about the proposition that that was not the original contemplation of the framers of the Constitution. It is true it matters not what was in fact their intention, as we are to be controlled and guided by the present interpretation of the instrument by the courts of the land. But my attention has been called to the action of the convention which framed the Constitution, which illustrates the fact that such was not the purpose of the framers of the Constitution.

It so happened that a similar question to this was before the Senate in the year 1869. That was a proposition to charter a railroad from the city of New York to the city of Washington, basing it upon the identical grounds that being engaged in interstate commerce it was a legitimate matter of legislation in the granting of a charter. That was debated in this body, and there participated in that debate the present junior Senator from Maryland [Mr. WHYTE], who has returned to us after his service of several different times in this body. In the speech which he made on that occasion against the granting of that charter, which, by the way, the Senate in that day considered to be an improper thing and refused to do, he read from the proceedings of the Constitutional Convention. I have his speech before me in the Congressional Globe. It was a date prior to the CONGRESSIONAL RECORD—January 20, 1869. The Senator from Maryland [Mr. WHYTE] read this extract from the Madison Papers. The committee of the Convention had under consideration the clause in the Constitution which authorizes Congress to construct post-roads, when this occurred in the Convention:

Doctor Franklin moved to add after the words "post-roads," article 1, section 8, a power "to provide for cutting canals where deemed necessary."

Mr. Wilson seconded the motion.

Mr. Sherman objected. The expense in such cases will fall on the United States and the benefit accrue to the places where the canals may be cut.

Mr. WILSON. Instead of being an expense to the United States, they may be made a source of revenue.

Mr. Madison suggested an enlargement of the motion—

To this particular point I call attention—

Mr. Madison suggested an enlargement of the motion into a power "to grant charters of incorporation where the interests of the United States might require and the legislative provisions of individual States may be incompetent." His primary object was, however, to secure an easy communication between the States, which the free intercourse now to be opened seemed to call for. The political obstacles being removed, a removal of the natural ones as far as possible ought to follow.

Mr. Randolph seconded the proposition.

Mr. King thought the power unnecessary.

Mr. WILSON. It is necessary to prevent a State from obstructing the general welfare.

Mr. KING. The States will be prejudiced and divided into parties by it. In Philadelphia and New York it will be referred to as the establishment of a bank, which has been a subject of contention in those cities. In other places it will be referred to mercantile monopolies.

Mr. Wilson mentioned the importance or facilitating by canals the communication with the western settlements.

The motion being so modified as to admit a distinct question, specified and limited to the case of canals, Pennsylvania, Virginia, and Georgia voted for the proposition; New Hampshire, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, North Carolina, and South Carolina voted "no."

The other part fell, of course, including the power rejected.

So we have here, Mr. President, not a side light, but a direct light cast on what was the purpose and understanding of the framers of the Constitution. Railroads in those days were unknown. If they had been known, I have no doubt the proposition of Mr. Madison would have included railroads as well as canals.

Mr. President, I presume the Senate will give me credit for sincerity when I say that I had no expectation when I arose this afternoon of thus occupying the time of the Senate. I repeat, I regard it as a very grave question. We are to-day face to face with the proposition whether we shall in the exercise of this power grant these extraordinary corporate rights and powers to this particular corporation on the ground that it is to be engaged in interstate commerce, and at the same time have the mental resolve that we will not do so in the future, and that we will deny similar applications in the future, or else that we occupy the alternative attitude that we put behind us now and forever the proposition that we are to leave to the States the exercise of the functions of granting corporate charters in cases not necessary and essential to the performance of any governmental function, and that hereafter whenever a corporation comes here and says that it is to be engaged in interstate commerce we will give it a Federal charter, give it the power to deny to the States the right to tax its franchise, and the right of the citizens to go into their own courts to settle disputes which they will have with these corporations.

We must do one of two things. We must either occupy the attitude of being respectors of persons, of granting these charters in certain cases where certain influences may demand them, and of denying them in other instances where they may not be so fortunate. We have either got to do that, if we grant this charter, or else we have to open the door and say hereafter the States shall no longer, if parties choose to elect in favor of a Federal charter, have control of these agencies of commerce in their own States; that the States shall no longer have the right to tax their franchises; that the States shall no longer have the right to adjudicate the rights of citizens in their own States in controversies between themselves and these myriad agencies. Mr. President, what a revolution would that be in present conditions.

Mr. President, there is another very serious consideration. We can not say to corporations when they come here, "We have granted it to others, and we deny it to you." If we do not say that, what is to be the political effect in this country of all the corporations engaged in interstate commerce having Federal charters, knit together by a common sympathy, and exercising power under a common authority? Who will doubt the fact that they will go at once into national politics? Who can doubt the fact, whenever the great corporations of this country, solidified and unified as they are rapidly becoming, are all of them in the exercise of power under Federal authority, that they will exercise great influence over the affairs of the Federal Government?

Mr. President, I repeat it is a most grave matter, and I repeat it simply for the purpose of excusing myself if I have occupied unduly the time of the Senate, and if I have expressed myself with unwonted earnestness it is because of the gravity of this matter in my opinion, and I may be excused and acquitted by Senators who have an interest in this matter of any intention to interfere in any manner with those matters which may seem more particularly to concern them, matters in which they have a very deep concern, and if any intemperate word has fallen from me in this discussion, it is due to my appreciation of the gravity of the question, and not because of any want of consideration of them.

PUBLIC SCHOOLS IN THE DISTRICT OF COLUMBIA.

Mr. BURKETT 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. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education 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 Senate recede from its amendments numbered 8, 13, 14, 16, 17, and 51.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 11, 12, 18, 19, 20, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 35, 37, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, and 54; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: Strike out in said amendment the words "in the grades;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: Page 5, line 14, strike out the word "schools" and insert before the word "high" the word "normal;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the word proposed in said amendment insert the word "four;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: After the word "School," in the last line of said amendment, insert the words "but this limitation shall not apply to pupils who have already entered upon a continuous course of two or more years;" and the Senate agree to the same.

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: Strike out the word "board" in said amendment and insert the word "boards;" and the Senate agree to the same.

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: Page 8, line 9, after the words "normal schools," strike out the word "or" and insert the word "and;" and the Senate agree to the same.

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 matter inserted in said amendment insert the following: "of examiners. No person without a degree from an accredited college, or a graduation certificate from an accredited normal school, such normal school graduate to have had at least five years of experience as a teacher in a high school, shall hereafter be appointed to teach any academic or scientific subjects in the normal, high, and manual training schools;" also strike out the word "board" on page 8, line 12, and insert the word "boards;" and the Senate agree to the same.

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: Strike out in said amendment the word "board," in line 1, and insert the word "boards;" also strike out the words "this board" and insert the words "these boards;" and the Senate agree to the same.

E. J. BURKETT,
N. B. SCOTT,
JOHN M. GEARIN,
Managers on the part of the Senate.

EDWARD MORRELL,
WILLIAM S. GREENE,
F. A. MCLAIN,
Managers on the part of the House.

The PRESIDING OFFICER. The question is, Will the Senate agree to the report?

Mr. McCUMBER. I wish to ask the Senator who has made this report, as it is up now for action, to briefly state what the amendments are. Of course one can not tell merely from hearing the report read as to what are the amendments made by the committee.

Mr. BURKETT. There are quite a number of amendments made by the conference committee. In the main they change words from the singular to the plural form, and relate to terminology. I think the chief amendment, the one that is most distinct, is the one that pertains to the qualifications of high school teachers. The Senator will remember that the Senate agreed to an amendment to the House bill, providing that a teacher of the high school must have a college degree. The conference committee agreed to that with an amendment accepting a certificate from a recognized normal school. That is the amendment to it. It is left as the Senate had it, but accepting as a qualification a certificate of a normal school.

Mr. NELSON. Mr. President——

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

Mr. BURKETT. Certainly.

Mr. NELSON. Will the Senator be good enough to state what disposition was made of the amendment which I offered in the Senate striking out the word "four" and inserting "five," so that teachers of drawing and others would get the pay of class 5 and class A of class 6?

Mr. BURKETT. Does the Senator remember what page it was on?

Mr. NELSON. It was on page 7 of the original bill.

Mr. BURKETT. Page 7?

Mr. NELSON. At the top of page 7.

Mr. BURKETT. I will say to the Senator that at the top of page 7 and at the bottom of page 6 the Senate receded from all those amendments, and put it back in the condition it was in when it came from the House, leaving it four and five. It puts domestic science teachers in the same class with physical culture and drawing teachers.

Mr. NELSON. What about teachers of drawing in the high schools?

Mr. BURKETT. It leaves the bill in that respect just as it came from the House to the Senate originally. It drops out the Senate amendment.

Mr. McCUMBER. May I ask the Senator what was the action of the conferees in reference to the amendment fixing the qualifications of the assistant superintendent?

Mr. BURKETT. That was stricken out by the conferees.

Mr. McCUMBER. So that at present no particular qualifications are required of the assistant superintendent?

Mr. BURKETT. No. It is left just as it came from the House. That was amendment numbered 51, I will say to the Senator, and the Senate receded. There is no qualification for the superintendent or the assistant superintendent, and for a good many more for whom some qualifications ought to be prescribed. But, as we tried to explain in the first place, we did not go into the matter of organization very thoroughly.

Mr. McCUMBER. Is the Senator especially desirous of having the report adopted to-day? Is there any occasion to have it adopted before it can be printed, so that we can see just what the amendments are which have been agreed to and those from which the Senate receded?

Mr. BURKETT. So far as I am concerned, it is immaterial to me other than to comply with the request of other members of the Senate and House. The District of Columbia appropriation bill is necessarily being held up until we can get this bill through. As the Senator will remember, all the school salaries in the District appropriation bill and all the appropriations for the public schools were stricken out when the District appropriation bill was before the Senate. Of course, they can not bring in a bill without filling in something, and they are waiting until we can get this bill through, so as to tell what amount to put in. Of course, they are urging us all the way along, and the report ought to be considered here. We hoped to get it over to the House this evening, so that it could be printed and be taken up under their rules in the morning, and then sometime to-morrow the conferees on the District appropriation bill could consider the matter. It is the haste of others that is pushing the committee, which has made us want to have the report taken up and disposed of at once.

I will say to the Senator, as the report shows, that the House receded from its disagreement to practically all of the Senate amendments. There are only six from which the Senate receded, and most of them are verbal changes. There was only one important one, and that was on the matter of the qualification of the assistant superintendent, where the Senate receded.

Mr. McCUMBER. That was to me quite an important amendment—in fact, I thought it was the most important of all the amendments made in the Senate. I wish the Senator could let the report be printed this evening, and it will be business, of course, which will take precedence over all other business to-morrow. We could then see just exactly what changes have been made.

Mr. BURKETT. It will delay it one day in the House, and that is why they have urged us to get it considered to-night, so that it may go over there and be taken up to-morrow. It will simply delay the matter in connection with the District appropriation bill.

I understand the interest the Senator from North Dakota took in this subject, and I will say to the Senator that the Senate conferees were loyal for four or five days hanging on to the Senator's amendment. I do not know whether I ought to tell that or not. However, after a good deal of discussion and consideration in conference it was obvious that it would have to go out. I do not think any further conference could do other than kill the bill if that particular amendment was insisted upon.

Mr. McCUMBER. I do not know, Mr. President, that I will insist upon the matter going over if the Senator is in a hurry. I feel that the time will come when we will need to make an amendment to this bill. I think it is such an improvement over the law as it has heretofore stood that perhaps we had better take what we can get, and so get a much better bill than we now have, with the hope that we may secure a still better one in the future.

Mr. BURKETT. I will say to the Senator that if the new board which is created does not handle some matters and some

positions that are without any particular merit in the estimation of the committee, it will be very proper for Congress at the next session to do away with some of these supernumerary positions and reorganize the schools as they should be organized.

The PRESIDING OFFICER. The question is on agreeing to the report.

The report was agreed to.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

The PRESIDING OFFICER. The question is on agreeing to the first amendment as amended.

Mr. BACON. That is what amendment?

The PRESIDING OFFICER. On page 2.

Mr. BACON. As I understand the amendment to the amendment it strikes out the last sentence of the words proposed to be inserted by the committee.

The SECRETARY. Striking out the words:

Said corporation is also vested with all such further and additional powers as may be necessary to carry out the purposes of this act.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, in section 2, page 3, line 4, after "railroad," to insert "and ship canal;" so as to make the section read:

SEC. 2. That the company, in addition to the powers expressed or implied in this act, shall have the right of eminent domain, which shall be exercised as provided in the case of railroad and ship canal companies organized under the laws, respectively, of the States of Pennsylvania and Ohio.

The amendment was agreed to.

The next amendment was, in section 3, on page 3, line 7, after the word "exceed," to strike out "three" and insert "four," so as to read:

That the capital stock of the company shall not exceed $400,000 per mile of canal proposed to be constructed, etc.

The amendment was agreed to.

Mr. CULBERSON. In line 9 the words "and other," before "indebtedness," are proposed to be stricken out.

The PRESIDING OFFICER. The Secretary has not yet stated that amendment.

Mr. NELSON. I suggest that we pass on the committee amendments first and then take up other amendments afterwards. We have not yet reached the amendment the Senator refers to.

Mr. CULBERSON. I wish to move an amendment to the committee amendment.

Mr. NELSON. We have not reached that yet.

Mr. CULBERSON. It is in section 3.

The PRESIDING OFFICER. It is the next amendment, the Chair will state to the Senator.

Mr. STONE. Mr. President, I know that the Senators in charge of this bill and the Senate are anxious to dispose of this measure as speedily as possible, and it ought to be disposed of to-day.

It is not my intention to delay a vote on the bill by consuming much time. But, Mr. President, as I am a member of the Committee on Commerce, and as I was a member of the subcommittee to which this bill was referred, I feel as if I ought to say something with regard to it. I attended all the meetings of the subcommittee except one. I voted to report the bill favorably to the whole committee, and afterwards to report it to the Senate.

If I can judge by the course the discussion has taken, it looks as if few Senators on this side of the Chamber are in sympathy with the action I intend to take and the vote I intend to cast. I want, therefore, to occupy a little time to explain my position and to give a reason for my vote. I expect to vote for the passage of the bill. I think it ought to be passed. I can not see a good reason why it should not be passed. There seems to be no doubt about the constitutional right of the Congress to grant this charter.

I listened to the greater part of the interesting speech delivered by the senior Senator from Georgia [Mr. BACON] in opposition to the bill, and I have listened to the speeches of other Senators in criticism of the measure. No one who has opposed the bill has denied that the Congress is clothed by the Constitution with power to grant this charter. There can be no doubt that that power exists. Whether the Constitution should have invested the Congress with this power, or whether the courts should have so construed the Constitution as to invest the Congress with this power, are questions so devoid of practical consequence as to be of little value. A discussion of that subject is without significance. It might do for a debating society, but it is of little value here. Such questions are settled questions, and I believe they were properly and wisely settled.

Mr. President, I have been all my life associated and in sympathy with that school of politics which believes in a strict construction of the Constitution. But the Constitution is not a meaningless thing. It means what it says. Some of the wisest and greatest Democrats whose names and achievements adorn our history have stood for the exercise by Congress of just such powers as it is proposed shall be exercised at this time and through the agency of this measure.

It is utterly useless to discuss in an academic way questions which have long since passed into the domain of well-settled law. Granted, therefore, that Congress has, and unquestionably it does have, the power to create this corporation, we come next to inquire as to the policy of exercising that power.

Mr. President, as to the question of policy—that is, whether the Congress should pass this bill and create this corporation—Senators may very properly differ.

When this bill was first called to my attention in the committee, I seriously doubted whether it would be a wise policy for Congress to create a corporation of this character. Certainly Congress ought to be very slow in granting charters to business corporations. In ninety-nine cases in every hundred those seeking corporate franchises should be remitted to the States. But, Mr. President, whether Congress shall exercise the power of creating a corporation, where it has constitutional warrant to create it, is and should be a question to be determined by the facts and circumstances of each particular case. There may be circumstances and conditions in particular cases where the Congress ought to grant charters, and I think this is one of those rare cases.

This canal company is to utilize navigable waters under the jurisdiction of the United States. If we did not pass this bill and the company should be compelled to incorporate under the laws of a State, it would be necessary for the company to come to Congress for authority to use navigable waters in the way it would have to use them, and so Congressional authority would have to be invoked in any event. Then why not let Congress act in the first instance?

Mr. President, I believe that the Government of the United States itself ought to construct works of this character. When I came to consider this bill an objection arose in my mind because this work, national in character, was to be committed to the hands of a corporation. But while that was true, I saw no prospect of the Government undertaking the work for years to come, if, indeed, it should ever do so.

The United States are now engaged in the construction of a canal across the Isthmus that will occupy their attention and monopolize their energies and resources for many years to come, and through that indefinite period it is scarcely to be hoped that the Government will enter upon a like enterprise of the magnitude of this. So it seemed to me that if we were to wait for the Government to take it up we would wait for years without assurance that it would ever be done.

Mr. President, the commercial importance of this work can not be gainsaid. There is a real demand for the construction of this canal. A greater amount of freight is carried to and fro from Pittsburg to Lake Erie points than is carried in any other similar area in the world. At this time over 50,000,000 tons are transported between Pittsburg and the lake, and the tonnage is increasing from year to year. This canal would open a new highway for this commerce and greatly cheapen the cost of carriage. It would open a cheap waterway to the Great Lakes and to all the rich and prosperous country tributary to them. The value of the enormous commerce that this canal might accommodate is adequately and accurately stated in the report of the committee.

There is no constitutional objection to the bill. Neither can any wise, well-founded objection to it be stated based on grounds of public policy. On the other hand there are commanding reasons of great commercial consequence why the canal should be constructed. Then why should not this act be passed?

One other thing, Mr. President, which has operated to induce me to support this bill is the fact that for years I have dreamed—I think "dreamed" is the proper word—of a great transcontinental waterway from New Orleans, on the Gulf of Mexico, to tide water somewhere on the North Atlantic coast. I say I have dreamed of this, but I have no doubt it is a dream which some day will be realized.

Mr. President, I am not sure that the millions we are to expend in the construction of the Panama Canal would not be more profitably and wisely expended if we should devote them to the construction of a canal from Lake Michigan to the Mississippi River, and thence down that great stream to the Gulf, making the canal and the river navigable for such ships as ply the Lakes. That is a project which Congress will be called upon some day to deal with, and to deal with as a great national problem—a problem to be worked out not by corporations, but by the nation itself.

The Mississippi River has within its banks water in abundance to answer the needs of such a highway, if only these waters are put under control; and they can be controlled and utilized if some of the ablest engineers of the country are to be believed. It will be a stupendous work to make this waterway, and a costly one, too, but it will be well worth all it will cost in labor and treasure.

A canal connecting the Lakes with the Mississippi River, and with that river so improved as to make it navigable for large vessels, thus connecting the Gulf and the Lakes, and thence across the Lakes and through the Erie Canal to New York, would make a waterway the like of which the world has never seen. Its value would be beyond the power of man to compute; and, moreover, it would in large measure solve the most intricate and difficult problems of railroad transportation.

I believe this canal, built from Pittsburg to Lake Erie, would be in the course of time but an arm to a great system of canals that ought to be, and some day will be, constructed by the Government of the United States. The great States of the Mississippi Valley and the great agricultural and manufacturing States of the Middle West will some day demand that this greater work shall be done, and they will be strong enough to enforce the demand. Because this Ohio River and Lake Erie Canal will be a beginning and a part of the great canal system we ought to have, and are to have, is one reason why I am for this bill. If the Government would build the canal provided for in this bill, I should infinitely prefer it; but as it is, since the Government is not prepared to enter upon the work, I can see no legitimate objection to authorizing an association of enterprising American citizens to undertake it and complete it.

Mr. President, this bill has been criticised, as it should have been. Some amendments have been suggested to it and agreed to. The committee that had it in charge labored assiduously and faithfully to perfect it, so as to guard, as far as possible, the public interest; and I believe we have brought a good measure here. Senators have complained of this and of that, without having carefully examined the provisions of the bill itself. Their attention has been called in the course of the debate to provisions in the bill that proved the folly of many of their criticisms. For instance, the Senator from Georgia [Mr. BACON], and perhaps others, thought it unwise and in some respects dangerous for Congress to create a corporation that could exercise the right of eminent domain. They cried out against conferring upon a national corporation the power to enter a State and condemn the property of citizens under the law of eminent domain. Whether that objection was well founded or not, in an academic or a theoretical sense, in its application to this bill it is absolutely without merit. Section 11 provides:

SEC. 11. That the said company, in the exercise of its right of eminent domain as granted in section 2 of this act, may, at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed, enter upon, etc.

The Senate amended the bill as it came from the House so as to require the corporation in taking land, or in doing anything else under the law of eminent domain, to conform its action and procedure to the law of the States. So there is nothing to that.

In like manner you may go through the whole bill, Mr. President, and these objections, one after another, may be answered by pointing to the provisions of the bill itself. I see no reason why the Senate should stand in the way of the passage of a bill so carefully drawn as this one is, and which so well guards the public interest; a bill which is unquestionably authorized by the Constitution; a bill against which no good reason founded in public policy can be urged; a bill which meets a great public commercial need, and which, to a large extent, satisfies it; a bill that would promote the public welfare, not only of the States through which the canal would pass, but of a vast region of country in which many of the greatest industries of the nation are located—a region populous, opulent, with resources beyond computation, and with a future so glorious that no human foresight can circumscribe it. I can see no reason why a bill so constructed and serving such ends should not be enacted.

So I looked at it, Mr. President, when it was before the committee, and feeling then as I do now I voted to report it, as did every other member of the Committee on Commerce who was present, without regard to party division. I intend now, though I may stand alone on this side of the Chamber, to vote for it again.

Mr. BERRY. Mr. President, I do not rise to discuss the pending bill and should have said nothing but for the last remark of the Senator from Missouri [Mr. STONE]. I am a member of the Committee on Commerce, but I was not present at any time when the bill was pending before the committee. I was absent in Arkansas. I did not know the bill had been pending before the committee until the delivery of the speech of the Senator from Pennsylvania [Mr. KNOX] a few days ago. Had I been present in the committee, I should have voted against a favorable report on the bill. I never have voted in favor of the General Government granting charters to corporations of this character, and shall not do so now.

I simply wanted to correct the statement that it was a unanimous report of the committee.

Mr. STONE. I said of those present.

Mr. BERRY. Yes; I was not present, and therefore did not vote. I was not included.

Mr. STONE. No; the Senator was not included.

Mr. TELLER. I should like to ask some Senator where this proposed canal will strike the Great Lakes, if anyone is sufficiently informed to tell me? I can not find out from reading the bill. I do not know where it is. The point is not designated.

Mr. KNOX. At or near Ashtabula.

Mr. TELLER. Does it say so in the bill?

Mr. KNOX. No; it does not. The northern terminus is not specifically located in the bill; but that is the plan.

Mr. TELLER. That it shall be near Ashtabula?

Mr. KNOX. Yes; and I will say to the Senator from Colorado that it will have to be located at such point as may be approved by the Secretary of War; and certainly his idea is to locate it at Ashtabula.

Mr. TELLER. I want to call the attention of the Senator to a provision here which strikes me as very remarkable, though I do not say that it seriously affects the bill. It is this proviso on page 10:

Provided, That no feeders to supply water shall be connected with or draw water from the Niagara River above the Niagara Falls.

Mr. KNOX. I believe the Senator from Wisconsin [Mr. SPOONER] has an amendment to propose to that proviso, which will make a very material difference in the reading of the bill.

Mr. TELLER. I want to say that no water could be gotten into this canal from the Niagara River unless it should run uphill. Niagara River is much below any point where, I think, this canal can be built to strike the Lakes. I do not suppose this proviso will endanger the bill, but it looks somewhat ridiculous, and as if we did not know much about the geography of that section of the country. That happens to be a section of country which in my early days I knew something about.

Mr. BACON. If the Senator will examine the map, he will see that the headwaters of the Allegheny River rise at about Lake Chautauqua.

Mr. TELLER. I do not need to examine the map. That is a country with which I am familiar.

Mr. BACON. I withdraw the suggestion. I understand the fact to be, however, as I suggested.

Mr. TELLER. I understand that.

Mr. BACON. If the Senator will pardon me, I was simply replying to his suggestion as to the impossibility of water coming from that direction by referring to the fact that the headwaters do rise in that neighborhood and flow——

Mr. TELLER. Mr. President, they do not rise anywhere near the Niagara River.

Mr. BACON. I beg the Senator's pardon for undertaking to suggest anything on the subject.

Mr. TELLER. It is an impossibility to get any water into the Allegheny River from the Niagara River, and the upper waters of the Niagara River will be a great many feet higher than the others. But that is not a matter of any consequence to the bill, except that it rather mars the bill in the opinion of those of us who happen to know how ridiculous it is to put it in there.

Mr. KNOX. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. TELLER. Certainly.

Mr. KNOX. I only want to call the Senator's attention to

the fact that the provision was inserted by the committee. Not having been upon the committee, I can not tell why it was inserted.

Mr. TELLER. I saw that the provision had been put in by the committee.

Mr. CLAY. I will say to the Senator that I think it was inserted at the instance of the senior Senator from New York [Mr. PLATT].

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Pennsylvania?

Mr. TELLER. Certainly.

Mr. PENROSE. I desire to state for the information of the Senator from Colorado that he is entirely right. That provision is not necessary and it may be not properly in the bill, but it was put in, following the lines of an amendment introduced by the senior Senator from New York, to quiet the apprehensions of many good people who are fearful that further devastation will occur in connection with the Niagara River and Niagara Falls. I myself do not consider that the provision amounts to anything, either as a protection or that it has reference to the canal.

Mr. TELLER. That is correct, Mr. President. I heard from the Senator from Georgia [Mr. BACON] that we had passed a bill to prevent the taking of water out of the Niagara River. I was not aware of that fact, and I thought I kept fairly well in touch with what is going on; but that escaped my attention. I myself deny the right of Congress to interfere with the Niagara River. That right belongs to the State of New York.

Mr. SPOONER. It is an international stream.

Mr. TELLER. And anything may be done to that river that does not impair its navigation. When anything interferes with navigation, the nation may undoubtedly have something to say, but except at its upper end it is scarcely a navigable river on account of its rapids, etc.

I know there is a very sensitive feeling and very great excitement throughout the country about the destruction of Niagara Falls. That is a stupendous falls, it is true; but I myself can not sympathize with the sentiment that complains of the useful appropriation of water for power, for irrigation, or for any other purpose that is legitimate and proper. I suppose not one person out of ten thousand in the United States ever sees the falls. If the water power of those falls can be utilized for the benefit of commerce and the benefit of humanity, it ought to be done. If there is anywhere a right to interfere for the protection of the falls, the Niagara River at that point not being navigable and the Government not having anything to do with it, that right belongs, in the first instance, in my judgment, to the State of New York, though of course it is a dividing line between the United States and Canada.

I suppose the same question arises with reference to the people of Canada. The Canadians are taking the water out on their side, as it is being taken out on ours, and the Canadians will continue to take that water, whatever we may do. When the bill for the protection of Niagara Falls becomes a law, the situation will be that while the Canadians are taking the water out on their side, we will have passed a law providing that the people of the State of New York shall not take the water on their side. That is one of the things that we ought to let alone.

The proposed Lake Erie Canal will not interfere with the Niagara River in the slightest degree, and I do not think it can take any water from the lake that will do the lake any harm. The water that goes to the useful purpose of this canal must be taken from those rivers which the canal will cross, and, so far as that is concerned, I do not think there is any complaint that can be made about this bill.

My objection to it is not on any of those grounds. I object to it because I do not think the Government of the United States ought to charter such companies when there is ample power in the States to do the same thing, and they can do it just as well as we can.

The PRESIDING OFFICER. The next amendment of the Committee on Commerce will be stated.

The next amendment of the Committee on Commerce was, in section 3, page 3, line 9, after the word "bonded," to strike out "and other;" in line 10, after the word "exceed," to strike out "three" and insert "four;" in line 11, after the word "mile," to insert "of canal;" in line 12, before the word "debt," to insert "bonded;" in line 13, before the word hundred," to strike out "six" and insert "eight;" in line 14, after the word "constructed," to strike out "and" and insert "*Provided, however*, That;" in line 15, after the word "and," to strike out "fully paid in in cash and bona fide expended in the promotion, maintenance, and construction of said canals and works; and" and to insert "paid in in money, or property at its fair value: *Provided further*, That;" in line 20, after the word "be," to strike out "in larger amount" and insert "more;" in line 25, after the word "bonds," to insert "secured by a mortgage or deed of trust upon its property and franchises;" and on page 4, line 2, after the word "company," to strike out "secured by a mortgage upon its property and rights of property of all kinds and descriptions, real, personal, and mixed, including its franchise to be a corporation;" so as to make the section read:

SEC. 3. That the capital stock of the company shall not exceed $400,000 per mile of canal proposed to be constructed, divided into shares of $100 each, and the bonded indebtedness authorized by this act shall not exceed $400,000 per mile of canal proposed to be constructed, so that the sum total of stock issued and bonded debt created shall not exceed $800,000 per mile of canal proposed to be constructed: *Provided, however*, That the amount of debt created by the issue of bonds shall in no case exceed the amount of stock subscribed for and paid in in money, or property at its fair value: *Provided further*, That in no event shall the stock issued and debt created be more than may be necessary to construct, equip, maintain, and operate said canals and works pursuant to and in compliance with all the provisions of this act; and said company is hereby authorized to issue its bonds, secured by a mortgage or deed of trust upon its property and franchises, and the same shall be a first and prior lien to all other claims or demands upon the company.

The amendment was agreed to.

Mr. LA FOLLETTE. Before passing from that amendment I wish to make an inquiry about the words "and other," in line 9, on page 3. I understood when the Senator from Texas [Mr. CULBERSON] brought up the consideration of those words earlier in the discussion a short time ago, it was agreed that the committee amendment should be rejected and that the words "and other" should remain in the bill. The Senator from Pennsylvania [Mr. KNOX], who has charge of the bill, informs me that he is entirely willing that those words should remain in the bill. I see the Senator from Texas is absent from the floor now, and I ask——

The PRESIDING OFFICER. Does the Senator offer an amendment?

Mr. LA FOLLETTE. I ask that the vote be reconsidered by which that particular amendment was agreed to.

The PRESIDING OFFICER. Without objection, the amendment referred to will be considered as open. Does the Senator from Wisconsin ask to disagree to that amendment?

Mr. LA FOLLETTE. I ask that that amendment be disagreed to. I understand the Senator from Pennsylvania in charge of the bill is willing to have that done, so far as he is concerned.

Mr. KNOX. Mr. President, as I said the other day, I am not in charge of this bill. This bill is, I think, properly in charge of the Senator from Minnesota [Mr. NELSON], who has reported it. I merely called it up and have done some work in connection with it at his request. What I have stated to the Senator from Texas [Mr. CULBERSON] before he left the Chamber, and what I have said to the junior Senator from Wisconsin [Mr. LA FOLLETTE], is that personally I see no objection to restoring the words "and other." It seems to me that the bill is more liberal to the corporation with the words restored than it is with them stricken out.

Mr. NELSON. I will briefly state to the Senate the reason why the words "and other" were stricken out. It was made to appear to the committee—and we had several hearings on the subject—that in the construction of the canal the company oftentimes might be obliged temporarily to secure additional funds. In the first instance, they would issue a given quantity of bonds to build the canal, and then, as the work progressed from time to time, they might find it necessary to incur indebtedness for temporary purposes; but with the words "and other" in the bill they would be absolutely cut off from doing so if their bonded "and other" indebtedness exceeded the amount named in section 3. For that reason I think those words ought to be stricken out.

Mr. LA FOLLETTE. Mr. President, if the words "and other" are retained in the bill, I am wholly unable to see that the provision of section 3 limiting the indebtedness that may be incurred to $800,000 per mile will preclude the canal company from enlarging that indebtedness. Certificates may be issued which, so far as making a charge upon this property is concerned, would be just as binding as would be the bonds that are to be issued.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment of the Committee on Commerce was, in section 4, page 4, line 8, after the word "impaired," to insert

"nor shall any dividend be paid by the issue of additional capital stock;" so as to make the section read:

SEC. 4. That no dividends shall be declared or paid whereby the capital of the company shall in any manner be reduced or impaired; nor shall any dividend be paid by the issue of additional capital stock.

The amendment was agreed to.

The next amendment was, in section 6, page 4, line 20, after the words "city of," to strike out "Pittsburg" and insert "Pittsburgh;" and in line 25, after the words "vote of," to strike out "those present" and insert "the capital stock represented;" so as to read:

SEC. 6. That as soon as at least $5,000 of stock for every mile of canal proposed to be constructed is subscribed and paid for in cash, the incorporators named herein, or a majority of them, shall call a general meeting of the shareholders, to be held in the city of Pittsburgh, Pa., for the purpose of electing a board of directors of said company, consisting of not less than nine of the shareholders, and of transacting any other business that may be done at a shareholders' meeting. At such meeting the shareholders shall decide by a majority vote of the capital stock represented, either in person or by proxy, the length of the term or terms of the directors, etc.

The amendment was agreed to.

The next amendment was, in section 7, page 5, line 25, before the word "make," to strike out "to" and insert "may;" so as to make the section read:

SEC. 7. That the directors of said company, a majority of whom shall constitute a quorum, shall hold office until their successors shall have been elected and qualified. They shall elect a president, secretary, and treasurer and may provide for such other officers and employees as may be deemed advisable, and may make by-laws for the control and management of the works, property, and business of the said company.

The amendment was agreed to.

The next amendment was, in section 8, page 6, line 4, after the words "city of," to strike out "Pittsburg" and insert "Pittsburgh;" so as to make the section read:

SEC. 8. That the main office of the company shall be at the city of Pittsburgh, in the State of Pennsylvania, and the annual meeting of the shareholders shall be held on the third Tuesday of January in each year.

The amendment was agreed to.

The next amendment was, on page 6, to strike out section 9, as follows:

SEC. 9. That the said company shall be subject to the control of the Interstate Commerce Commission, the same as if it were a railroad corporation, and shall make such sworn statements and reports as may be required by the said Commission.

And insert in lieu thereof the following:

SEC. 9. That Congress hereby reserves the right to regulate the tolls, fares, and rates to be charged by said company for the use of said canals; and the said company and the said canals and all transportation thereon shall be subject to all the provisions of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts supplemental thereto and amendatory thereof now or hereafter enacted.

Mr. NELSON. Before that amendment is acted upon I desire to move to amend the committee amendment by the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In the new section 9, page 6, line 13, after the word "regulate," it is proposed to insert "as to interstate and foreign commerce;" and in line 15, after the word "all," to insert the words "interstate and foreign;" so as to make the section read:

SEC. 9. That Congress hereby reserves the right to regulate as to interstate and foreign commerce the tolls, fares, and rates to be charged by said company for the use of said canals; and the said company and the said canals and all interstate and foreign transportation thereon shall be subject to all the provisions of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts supplemental thereto and amendatory thereof now or hereafter enacted.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 10, page 6, line 20, after the word "to," to strike out "lay out, construct, maintain, and operate a" and insert "survey, ascertain, locate, fix, mark, and determine a route for a ship;" in line 24, before the word "Pennsylvania," to strike out "Pittsburg" and insert "Pittsburgh;" on page 7, line 4, before the word "accessible," to strike out "the most" and insert "an;" in line 10, after the word "near," to insert "Niles, Ohio; thence along the Mahoning River, in the State of Ohio, to a point at or near;" in line 12, after the word "Ohio," to insert "and thereupon and therein to erect, construct, maintain, and operate such canals;" in line 17, before the word "construct," to insert "to;" in line 24, before the word "forty-five," to insert "not less than;" and in line 25, before the word "twelve," to insert "not less than;" so as to make the section read:

SEC. 10. That the company is hereby empowered to survey, ascertain, locate, fix, mark, and determine a route for a ship canal from some point on the Ohio River, between Beaver, Pa., and Pittsburgh, Pa.; thence by the way of the Ohio, Beaver, and Mahoning rivers in the State of Pennsylvania, and the Mahoning River in the State of Ohio, to a point at or near Niles, Ohio; thence northwardly through the State of Ohio to an accessible harbor on Lake Erie, between the Pennsylvania and Ohio State line and the mouth of the Grand River, in the State of Ohio, including said river, also a branch canal from the mouth of the Shenango River, in the State of Pennsylvania; thence along the Shenango River to a point at or near Sharon, Pa; also a branch canal from a point at or near Niles, Ohio; thence along the Mahoning River in the State of Ohio to a point at or near Warren, Ohio; and thereupon and therein to erect, construct, maintain, and operate such canals; the said main canal connecting the Ohio River and Lake Erie to be of such dimensions as to make and construct navigable channels of at least 12 feet in depth and having a standard cross section of not less than 1,800 square feet of area; to construct, maintain, and operate all such locks, dams, towpaths, basins, tunnels, aqueducts, feeders to supply water from any lakes, rivers, streams, or water courses, reservoirs, cuttings, apparatus, appliances, and machinery as may be necessary for the construction and operation of said canals; and such locks on such main canals shall not be less than 340 feet long between quoins, not less than 45 feet wide between lock walls, and not less than 12 feet depth of water over miter sills, and between the Ohio River and Lake Erie the total lockage shall not exceed 600 feet.

The amendment was agreed to.

The next amendment was, in section 11, page 8, line 5, after the word "may," to insert "at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed;" in line 9, after the word "canals," to insert "feeders;" in line 10, after the word "authority," to insert "at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed;" in line 14, before the "railroads," to insert "waterways;" in line 16, after the word "canals," to insert "feeders;" and in line 17, after the word "company," to strike out "and whenever in the making, maintaining, and operating of the canals and other works of the company it shall be necessary to alter any highway, railroad, or other works, either public or private, and the said canal company and the owners of such highway, railroad, or other works can not agree as to the character, method, and terms of such alteration, and there are no laws of the State in which the alteration is proposed applicable thereto, then the same shall be determined by the district court of the United States of the district in which the alteration is proposed, and the district courts of the United States in the district through which the canal herein authorized shall run are hereby clothed with jurisdiction to hear and determine such disputes, under such rules as said courts may prescribe, and to fix the character, method, and terms upon which the alteration shall be made;" so as to make the section read:

SEC. 11. That the said company, in the exercise of its right of eminent domain as granted in section 2 of this act may, at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed, enter upon and take such lands as are necessary and proper for the making, maintaining, and operating of the canals, feeders, and other works of the company hereby authorized, and it shall have the authority, at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed, to alter any and all highways, waterways, railroads, and other works, either public or private, necessary for the making, maintaining, and operating of the canals, feeders, and other works of the company.

Mr. MORGAN. I move to amend the amendment of the committee by inserting in line 7, page 8, after the words "may be constructed," the words "and with their legislative consent;" so that the section down that far will read as follows:

That the said company, in the exercise of its right of eminent domain as granted in section 2 of this act, may, at its own expense and subject to and in conformity with the laws of the States, respectively, through which said canals may be constructed, and with their legislative consent enter upon, etc.

Mr. NELSON. I have no objection to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Commerce was, in section 12, page 9, line 10, after the word "may," to insert "subject to the rights of the States, respectively, through which said canals shall pass, or any of the municipalities thereof affected thereby, to regulate and control the same;" in line 14, after the word "said," to strike out "canal" and insert "canals, feeders, and other works;" in line 18, after the word "canals," to insert "feeders;" in the same line, before the word "works," to insert "other;" on page 10, line 3, after the word "said," to strike out "canal" and insert "canals, feeders;" and in the same line, after the word "and," to insert "other;" so as to read:

SEC. 12. That the said company in the exercise of its right of eminent domain as granted in section 2 of this act may, subject to the rights of the States, respectively, through which said canals shall pass, or any of the municipalities thereof affected thereby, to regulate and control the same, obtain, take, and use for the construction and operation of the said canals, feeders, and other works from the rivers, lakes, brooks, streams, water courses, ponds, reservoirs, and other sources of water supply sufficient water for the purpose of constructing, maintaining, operating, and using the said canals, feeders, and other works hereby authorized; control and regulate the flood waters of the Allegheny River above Franklin, Pa., and the Beaver, Mahoning, Grand, Ashta-

bula, Shenango, and Little Shenango rivers, and Sandy Creek, and the tributaries of said streams by regulating dams, weirs, reservoirs, and impounding dams, and divert, alter, or impound the waters of any river, lake, brook, stream, and the tributaries of said streams or water courses when the same is necessary to the making, maintaining, and operating of the said canals, feeders, and other works hereby authorized.

Mr. CLAY. I suggest to the Senator from Minnesota that the amendment is not exactly in conformity with the amendment of section 11. This reads, "subject to the rights of the States." I would suggest to the Senator the language "subject to and in conformity with the laws of the States."

Mr. NELSON. I have no objection to the amendment to the amendment.

Mr. CLAY. I move that amendment.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. In line 10, after the words "rights of," it is proposed to insert "and in conformity with the laws of."

The amendment to the amendment was agreed to.

Mr. BACON. I suggest to the Senator from Alabama [Mr. MORGAN] that the same amendment which he offered to section 11 is important in section 12 in order to make it harmonious.

Mr. MORGAN. I had not read the bill that far. I hope the Senator will propose it.

Mr. BACON. I would prefer that the Senator would do it. The same language which was inserted before the word "enter," in line 7, on page 8, would cover it.

Mr. NELSON. It reads, "subject to the rights of the States," and the amendment has put in "and in conformity with the laws of the States."

Mr. BACON. I understand that. "In conformity with the laws of the States" does not cover the distinct consent of the State to the exercise of the right of eminent domain, as is provided in section 11. Let the Secretary read the language of the amendment offered by the Senator from Alabama to the eleventh section.

The SECRETARY. After the words "States, respectively, through which said canals may be constructed" the words were added "and with their legislative consent."

Mr. BACON. If the words "and with their legislative consent" are inserted at this point, it will make it harmonious.

Mr. NELSON. I have no objection, although it is tautology, since the amendment of the junior Senator from Georgia has been adopted.

Mr. BACON. I do not think so. I may be in error, but the other section refers to the method in which it shall be done, and there legislative consent is required.

Mr. KNOX. It seems to me that the amendment proposed by the senior Senator from Alabama protects that entirely. The other section provides the circumstances under which they may condemn in a State, and it is made subject to the legislative consent of the State, and this section is simply with respect to the exercise of that power.

Mr. BACON. If the Senator thinks that limitation applies to the twelfth as well as the eleventh section, I will not insist upon an amendment.

The PRESIDING OFFICER. Does the Senator from Georgia offer an amendment?

Mr. BACON. No. Under the construction placed upon it by the Senator from Pennsylvania, I will not offer the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, on page 10, line 7, after the word "the," to strike out "reasonable requirements of such city, village, or municipality" and insert "normal minimum discharge cross-section area of any such river or stream;" so as to read:

Provided, That nothing herein contained shall authorize said company to impair the navigability of any river or stream, or to diminish at any time the water supply of any city, village, or municipality below the normal minimum discharge cross-section area of any such river or stream, or in any manner to pollute the same.

The amendment was agreed to.

The next amendment was, on page 10, section 12, line 10, after the word "same," to insert:

Provided, That no feeders to supply water shall be connected with or draw water from the Niagara River above the Niagara Falls.

Mr. SPOONER. That amendment was moved by the Senator from Massachusetts [Mr. LODGE], who is absent. He gave notice of a substitute for the proviso, which I agreed to offer for him, and which I send to the desk.

The PRESIDING OFFICER. The substitute will be stated.

The SECRETARY. In lieu of the committee amendment it is proposed to insert the following:

Provided, That no water shall be drawn for the purposes of said canal, its branches or feeders, from above Niagara Falls, unless approved and allowed by the Secretary of War.

Mr. NELSON. I have no objection at all to that amendment. I want to say that the canal company does not expect to draw any water from Lake Erie more than the water that will naturally come up to the first lock.

The summit level is way in the interior, and they can not well draw water from Lake Erie. You can put the Niagara amendment in any form you want. It will not affect the bill one way or the other.

Mr. BACON. I am very glad to hear that from the Senator from Minnesota. Therefore I suggest certain amendments to the amendment, simply with a view of perfecting it. The printed amendment which I have is not that which was read from the desk, and I am not able——

Mr. SPOONER. It provides that—

No water shall be drawn for the purposes of said canal, its branches, or feeders, from above Niagara Falls, unless approved and allowed by the Secretary of War.

That is the only change.

Mr. BACON. I suggest the words "either from Niagara River or its tributaries." I will state that that is substantially the language in the bill we have already passed on this subject.

Mr. SPOONER. I am only offering it for the Senator from Massachusetts.

Mr. BACON. I understand.

Mr. SPOONER. I have no objection to the amendment to the amendment.

Mr. BACON. I move to insert "either from Niagara River or its tributaries."

Mr. TELLER. Mr. President——

Mr. BACON. I have not finished. Then I propose to add at the end of the amendment these words:

Provided, That no greater amount of water shall be diverted from Niagara River or its tributaries above Niagara Falls than shall be specified in any general law of the United States limiting the same.

I do not specify the bill which we have already passed, as it has not yet become a law. Therefore, I can not do it as we usually do. I am compelled to speak of the bill in general terms. Otherwise I would specify the law in the usual way.

Mr. SPOONER. In the bill which has been passed the amount of water that may be drawn from Niagara River was indicated, and the Secretary was authorized to issue permits for various manufacturing establishments. This would conflict with that.

Mr. BACON. This would conflict with that?

Mr. SPOONER. Yes.

Mr. BACON. The bill or this amendment?

Mr. SPOONER. This amendment.

Mr. BACON. Not at all. That refers to a particular bill.

Mr. SPOONER. That bill refers to a certain quantity of water which may be drawn from Niagara River for manufacturing purposes.

Mr. BACON. For any purpose.

Mr. SPOONER. And for other purposes.

Mr. BACON. For any purpose.

Mr. SPOONER. If this canal should draw any water from Niagara River, it would to that extent limit the amount which the bill passed by the Senate authorized to be used by these manufacturing establishments.

Mr. BACON. As I understood the Senator from Minnesota, it is not the design to take any water from the Niagara River.

Mr. SPOONER. Then what is the object of the amendment?

Mr. BACON. To guard it in case others differ with him in that view as to the intention. If the bill which we have passed is to be effective——

Mr. SPOONER. I shall not contest it. The bill will go into conference, and there will be carefully considered. I do not object to the amendment to the amendment, so far as I am concerned.

Mr. TELLER. Mr. President, it is perfectly absurd to put a provision in this bill that water shall not be taken from Niagara River. You might just as well say it should not be taken from the moon, for unless there is some new method of gravitation which will carry the water uphill it can not be done. It can not be done by any method I know of. I dislike to see go into a bill a statement so absurd, and there is no one who is familiar with that section of the country—and I am very familiar with it—does not know that it is not possible to get water out of Niagara into this proposed canal.

The headwaters of the Allegheny River, if this canal strikes the Ohio where the bill says it shall, which is in Trumbull

County, at Niles, a county immediately south of Ashtabula County, which is on the lake, it will be 50 miles from the lake where it strikes Niles—40 or 50 miles. It will be then a hundred miles, at least 75 miles, from Niagara River. Water could be put into the canal from Allegheny River. The Allegheny rises in western New York. Some of the branches rise in Chautauqua and some in Cattaraugus County. There is a high divide between that and the water which runs into Niagara River, a divide that never could be cut across with a canal, and there is not water enough on top of the divide to put in a canal or to make a feeder.

I speak with knowledge of this thing. I myself as a young man taught school in the neighborhood of the headwaters of the Allegheny River. I have been down the Allegheny River from its head to Pittsburg, and I have been to Chautauqua Lake. I know that country, and to say this would be just as absurd as to say that you shall not carry water uphill for the benefit of this canal.

We owe it to the people, when we enact a law, that at least on the face of it it should have the appearance of knowledge on our part of what we are doing, and I think a committee which would allow such a proposition to go into the bill could not have given very much attention to the geography of the country concerning which this inhibition is to be inserted.

Mr. President, I do not suppose it will make much difference. People in that country will look it over and probably say that the Senate is not possessed of very much knowledge of geography, and they will wonder, certainly they will have a degree of surprise and curiosity, why there should be so much interest in preventing the water in Niagara River from being utilized in the proposed canal. They are going to utilize the water in the lake. Nobody seems to make any objection to that. All the water in Lake Erie that is not evaporated goes out through the Niagara River. You can not use any water in this canal, as the Senator from Pennsylvania says, from the lake. There is a natural ridge all along from the Niagara River clear up to Cleveland. I doubt very much whether there is any place where you could cut a canal a half a mile from the lake where you could fill it with water. People who have been along that railroad which passes up the lake shore will, I think, recognize what I say to be the fact. I know the country whereof I speak.

While I am not very enthusiastic about this canal, and have some doubt whether it will every be built—I doubt whether it will be very valuable when it is built—I think it will be more valuable, perhaps, to those who build it and those who operate it in the time to come. However, that has nothing to do with it. I dislike to see such a provision inserted in the bill as if there was some sinister purpose in building this canal to get water out of that river. As I say, if there are any reasons why it should not be taken out of Niagara, the same reasons would operate as to Lake Erie, as Niagara is the outlet.

The PRESIDING OFFICER. The question is on agreeing to the amendments offered by the Senator from Georgia to the substitute.

The amendments to the amendment were agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Commerce was, in section 13, page 10, line 21, after the word "said," to strike out "canal" and insert "canals."

The amendment was agreed to.

The next amendment was, in section 14, page 11, line 6, after the word "buildings," to insert "feeders;" so as to read:

SEC. 14. That the said company may take, use, occupy, and hold, but not alienate, so much of the public beach or beach road, or lands covered with the waters of the rivers, lakes, brooks, streams, water courses, reservoirs, or ponds, on or at which the said canals may start from, traverse, cross, or terminate as may be necessary for the wharves, docks, piers, buildings, feeders, or other works of the company.

The amendment was agreed to.

The next amendment was, in section 15, page 11, line 13, after the word "canals," to insert "feeders;" in line 21, after the word "canals," to insert "feeders;" and in line 22, before the word "works," to insert "other;" so as to make the section read:

SEC. 15. That the company shall prepare and file with the Secretary of War, for his approval, the plans, locations, dimensions, and all necessary particulars of its canals, feeders, and other works between the Ohio River and Lake Erie, and before such approval the construction thereof shall not be begun; and should any change in said plans be proposed during the progress of construction, such change shall be submitted to the Secretary of War and be by him approved before such change shall be made. Upon notice of the approval of the Secretary of War, the company may forthwith begin the construction of its canals, feeders, and other works, or any part thereof, according to this act.

The amendment was agreed to.

The next amendment was, in section 17, page 12, line 3, after the word "that," to insert "the said canals shall be open to the use and navigation of all suitable and proper vessels or other water craft, by whomsoever owned or operated, upon fair and equal terms, conditions, rates, tolls, and charges; and;" in line 9, after the word "canals," to insert "feeders;" in line 10, before the word "works," to insert "other;" in the same line, after the word "same," to strike out "such reasonable" and insert "just, reasonable, and fairly remunerative;" in line 12, after the word "charges," to strike out "or" and insert "rates, and;" in the same line, after the word "tolls," to strike out "as may by its by-laws be determined;" in line 13, after the word "charges," to strike out "or" and insert "rates, and;" in the same line, after the word "shall," to strike out "under similar circumstances, be charged equally" and insert "be equal;" in line 17, after the word "or," to strike out "advance" and insert "discrimination;" in line 18, before the word "tolls," to strike out "or" and insert "rates, and;" in line 19, after the word "charges," to strike out "or" and insert "rates, and;" in line 24, after the word "charges," to strike out "or" and insert "rates, and;" in line 25, after the word "charges," to strike out "or" and insert "rates, and;" on page 13, line 5, after the word "less," to strike out "then the;" in line 6, after the word "notice," to insert "than;" and in line 9, after the word "conditions," to strike out "*And provided further*, That all charges or tolls upon commerce within the several States through which said canal as located shall be governed by and subject to the laws of the respective States in which said commerce shall be carried;" so as to make the section read:

SEC. 17. That the said canals shall be open to the use and navigation of all suitable and proper vessels or other water craft, by whomsoever owned or operated, upon fair and equal terms, conditions, rates, tolls, and charges; and the said company may demand, take, and recover for its own proper use, for all persons and things of whatsoever description transported upon the said canals, feeders, and other works, or in vessels and craft using the same, just, reasonable, and fairly remunerative charges, rates, and tolls; but all such charges, rates, and tolls shall be equal to all persons, vessels, and goods under certain classifications to be established by the company; and no rebate, reduction, drawback, or discrimination of any sort on such charges, rates, and tolls shall ever be made directly or indirectly. And the said charges, rates, and tolls for the ensuing year shall be fixed, published, and posted on or in every place where they are to be collected on or before the 15th day of February of each year, and shall not be changed except after thirty days' public notice, which notice shall plainly state the changes proposed to be made in the charges, rates, and tolls then in force and the time when the changed charges, rates, and tolls will go into effect; and the proposed changes shall be shown by printing new schedules or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection: *Provided*, That the Interstate Commerce Commission may, in its discretion and for good cause shown, allow changes upon less notice than herein specified or modify the foregoing requirements in respect to publishing and posting of such schedules, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions.

Mr. NELSON. On page 17, line 11, in order to harmonize it with the rate bill, I move to strike out the words "and fairly remunerative" and to insert the word "and" between the words "just" and "reasonable."

Mr. FORAKER. I would suggest to the Senator that I read in the paper this morning that the conferees had agreed to strike out the words "fairly remunerative" from the rate bill.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, in section 18, line 13, after the word "canals," insert "feeders;" so as to read:

SEC. 18. That the canals, feeders, and other works hereby authorized shall be lawful military and post routes, etc.

The amendment was agreed to.

The next amendment was, in section 19, page 13, line 21, before the word "canals," to strike out "canal or some of the;" in line 23, after the word "company," to insert "shall;" in line 24, before the word "years," to strike out "six" and insert "three;" in line 25, before the word "years," to strike out "fifteen" and insert "ten;" so as to make the section read:

SEC. 19. That if the construction of the canals hereby authorized shall not have been commenced, and a sum equal to 10 per cent of the capital stock of the company shall not have been expended thereon within three years after the passage of this act, or if the main canal shall not have been finished within ten years after the passage of this act, the franchise herein granted shall cease and be null and void; but in calculating the time aforesaid delays caused by the acts of God or the public enemy shall not be included.

The amendment was agreed to.

The next amendment was, on page 14, after line 4, to strike out section 20, in the following words:

SEC. 20. That the Government of the United States may, at any time after fifty years from the opening of the canals to navigation, upon notice to said company of not less than one year, assume possession, con-

trol, and ownership of the said canals and their appurtenances and of all the rights and privileges thereunto belonging, full title to which shall, upon such assumption, be fully vested in the United States, and the United States shall thereupon pay to the said company the value of the same, to be ascertained and fixed by three arbitrators, or a majority of them, one of whom shall be appointed by the President of the United States, another by said Lake Erie and Ohio River Ship Canal Company, and the third by the arbitrators thus selected, and said arbitrators, in fixing the value of the canals and work so acquired by the United States, shall not consider or allow any value for the franchise conferred by this act or for earnings or good will.

Mr. SPOONER. I should like to ask the Senator in charge of the bill why this section is to be stricken out?

Mr. NELSON. It was the sense of the subcommittee, and that suggestion was adopted by the full committee, that there might be an implication in that section that some day or other the Government would take this canal. Therefore we left it out. It might seem as though it was committing the Government to the idea of acquiring the canal some time in the future, and hence we left it out. If it is left out, it will be a matter in conference between the two Houses.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 14, line 21, to change the number of the section from "21" to "20;" and in line 24, after the word "said," to strike out "canal" and insert "canals, feeders;" so as to make the section read:

SEC. 20. That any person, association, or corporation, municipal or otherwise, which shall suffer any damage or loss to person or property by reason of the construction, operation, or maintenance of the said canals, feeders, or any of the works thereof, etc.

The amendment was agreed to.

The next amendment was, on page 15, line 7, to change the number of the section from "22" to "21."

The amendment was agreed to.

The next amendment was, on page 15, line 11, to change the number of the section from "23" to 22."

The amendment was agreed to.

The next amendment was, on page 15, line 15, to change the number of the section from "24" to "23."

The amendment was agreed to.

The reading of the bill was concluded.

Mr. LA FOLLETTE. I offer the amendment I send to the desk.

The PRESIDING OFFICER. The Senator from Wisconsin offers an amendment, which will be stated.

The SECRETARY. At the end of section 3, on page 4, insert the following additional proviso:

Provided further, That the Lake Erie and Ohio River Ship Canal Company, its successors and assigns, shall issue only such amounts of stocks and bonds, coupon notes, and other evidences of indebtedness payable at periods of more than twelve months after the date thereof as the Interstate Commerce Commission may from time to time determine is reasonably necessary for the purpose for which such issue of stock or bonds has been authorized. And the Interstate Commerce Commission is hereby authorized and empowered and it shall be its duty to determine, upon application, what issues of stocks, bonds, coupon notes, or other evidences of indebtedness may be reasonably necessary to pay the cost of construction, equipment, maintenance, and operation of said canals and works. Said Commission shall render a decision, upon an application for such issue, within thirty days after final hearing thereon, which decision shall be in writing, shall assign the reasons therefor, and shall, if authorizing such issue, specify the respective amounts of stocks or bonds or of coupon notes or of other evidences of indebtedness as aforesaid which are authorized to be issued for the respective purposes to which the proceeds thereof are to be applied. Such decision shall be filed in the office of the Commission, and a certified copy of such decision shall be delivered to the said canal company, which shall cause the same to be entered upon its records before any stocks, bonds, coupon notes, or other evidences of indebtedness thereby authorized are issued. Every certificate of stock, every bond, and other evidence of indebtedness of such canal company operating as a lien upon the property of such company which shall be made, issued, or sold without compliance with this act shall be void. Any officer or director of said canal company who shall knowingly make any false statement or shall withhold from the Interstate Commerce Commission any information requested by such Commission to procure the approval of said Commission to any issue of stocks, or bonds, or coupon notes, or other evidences of indebtedness shall be deemed guilty of a misdemeanor, and upon conviction thereof in the United States district court of the district in which such offense is committed shall be punished by imprisonment for a term of not less than two nor more than ten years, and shall likewise be liable to any creditor of such company for the full amount of damages sustained by such wrongful act.

Mr. LA FOLLETTE. Mr. President, it is not my purpose at this late hour of the session to tax the patience of the Senate with any extended remarks upon the proposed amendment. Its purpose is plain.

The State of Massachusetts and the State of Texas provide by statute that no public-service corporation shall issue stocks and bonds except that it first submit to a designated State authority satisfactory evidence that there is actual value back of every dollar of the proposed issue of stocks and bonds. This amendment is drawn upon those statutes. I do not believe that it can be objected to in form. If objection be made to it at all it must be upon principle, and I can conceive of no valid objection which can be made to the amendment upon any principle.

The incorporators who are asking for this charter by the terms of the bill propose to issue $400,000 of stock and $400,000 of bonds for every mile of the canal from Lake Erie to the Ohio River. Once issued, the coal and iron and grain shipped through the canal will be charged tolls to pay interest on all the bonds and dividends on all the stock though it may not have cost half of $800,000 per mile to build, maintain, and operate the canal. This is the vice of allowing public-service corporations to issue stocks and bonds without any Government supervision, requiring the corporation to make satisfactory proof that every dollar of stocks and bonds represents actual bona fide investment.

If this canal will cost $800,000 per mile to build, it is an easy matter for those who are asking this charter at the hands of the Federal Government to make that plain to some authority of the Federal Government.

The transportation of this country is upon a false basis. The steam railroads, the street cars and interurban companies, the sleeping-car companies, the express companies, are—all of them, as is well known—overcapitalized and grossly inflated. The people are charged transportation rates high enough to pay dividends on all stock and interest on all bonds, notwithstanding the fact that more than 50 per cent of such stocks and bonds represent no investment whatever.

The difficulty in squeezing the water out after the stocks and bonds have been issued is at once manifest. You are at once encountered with the plea—a false one, as I contend—that the stocks and bonds have become the property of innocent purchasers.

But here we are at the outset of this proposed public enterprise, the building of this canal, and before the stocks and bonds are issued, before they have been sold, before there is any opportunity to put forth the claim that the stocks and bonds are in the hands of people who gave full face value for them, the Federal Government should be clothed with authority to make certain that these incorporators have invested in this canal the money for the stock and bonds issued. I believe that the Interstate Commerce Commission is the body to invest with authority to protect the public against overcapitalization.

I am not prepared to say that this canal will not cost $800,000 per mile to build, but with its several branches, aggregating over 225 miles, an issue of over $180,000,000 may be made by the corporation, no matter what the cost of the canal. This would seem excessive.

It was stated in the debate upon the isthmian canal that it would only cost $180,000,000 to build that great waterway for ocean vessels if we construct the lock and dam type. That canal is to be built 200 feet wide and with a depth of 40 feet. The depth proposed in the pending bill for this canal is, I think, only 12½ feet.

Mr. President, if the purposes of those who are back of this enterprise are clear and fair, and there is not an intention to have the capital of this canal company watered and inflated, then this amendment will not be objected to by them.

It is proposed, sir, that the Interstate Commerce Commission shall regulate the tolls and charges the commerce of the country must pay as it passes through this canal, and that they shall have authority to so limit those tolls and charges that they shall be reasonable. If they are to be given that authority, then you must make certain that there shall not be extravagant issue of stock and bonds upon which dividends and interest will have to be paid in excessive tolls by the public on its commerce.

Mr. NELSON. Mr. President, I am sincerely and heartily in favor of the construction of this canal. I have been unwilling, however, to take up the time of the Senate needlessly in discussing what I consider the merits of it. My own State, bordering on Lake Superior, at the great city of Duluth, is vitally interested in this canal, and I should like to see the canal built as soon as possible.

I have no idea that the General Government will undertake it. If it is not undertaken by a corporation of this kind it is not likely to be built at all.

Now, to ingraft such an amendment upon the bill would hamper and distress the company and prevent them from carrying on their operations. The effect of the amendment is that the corporation could not organize, even, before the men interested in it would have to present the plans and specifications of the canal to the Interstate Commerce Commission, and show in advance what it would cost in order to lay the foundation for issuing the stock.

Now, under section 6 of the bill they are authorized to meet and organize as soon as $5,000 of stock for every mile shall have been subscribed. The effect of this amendment would

prevent the corporations from being organized at all until they had prepared and submitted an estimate of what the probable cost of the canal would be, with all its appurtenances and appliances, a thing in the very nature of the case that they could not wholly do in advance.

Then, more than that, the amendment goes further and makes all the stock issued by them, unless in conformity with the provisions of the other part of the amendment, absolutely void in the hands of innocent purchasers.

This company, in order to build the canal, have got to raise money; they have got to raise it in the way money is raised for other enterprises in this country; and if you impose any such restriction as is attempted in the amendment you practically defeat the scheme.

Therefore I trust everyone who is in favor of the immediate construction of this canal will help to vote down the amendment.

Mr. LA FOLLETTE. Mr. President, the Senator is entirely mistaken when he says that the amendment which I propose would interfere with the organization of this company and the subscription of its capital stock. It can embarrass no legitimate enterprise to show that it is prepared to make a valid bona fide investment.

Under a similar statute railroad companies are organized and roads constructed in the State of Texas; railroad companies are organized and roads built in Massachusetts. It imposes no restriction whatever upon the organization of the corporation and the subscription of its stock. It is a just provision, both to the corporation and to the people. Without it there is no protection against overcapitalization.

It was suggested by the Senator from Pennsylvania [Mr. KNOX] earlier in this discussion that the bill sufficiently protected the public and the purchasers of stocks and bonds in the proviso contained in lines 19, 20, and 21, page 3, section 3, which is as follows:

Provided further, That in no event shall the stock issued and debt created be more than may be necessary to construct, equip, maintain, and operate said canals and works pursuant to and in compliance with all the provisions of this act.

That is the usual provision found in such bills, and imposes no restraint whatever. There is no penalty attached to the issue of stocks and bonds in excess of the amount that is necessary. It is very easy for the organizers and promoters of this scheme to fix a fictitious value upon the franchise and upon the prospective earnings of the proposed canal, and issue stocks and bonds that are nominally within the terms of those lines, and yet which are in excess, and grossly and criminally in excess, of the fair value of the property.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. PATTERSON. Mr. President, I do not want to be censured, either in words or silently, for detaining the Senate at this late hour, and yet I wish to occupy enough time to give some pretty well defined views that I entertain about this bill. If the Senator in charge of the bill would be willing to let it go over until to-morrow, I should be very glad to have that course adopted.

Mr. PENROSE rose.

Mr. NELSON. I suggest to the Senator from Pennsylvania to make a request for unanimous consent that the consideration of the bill shall be resumed to-morrow morning.

Mr. PENROSE. I ask unanimous consent, then, in deference to the suggestion of the Senator from Colorado, that the bill may be taken up for consideration immediately after the routine morning business to-morrow.

The PRESIDING OFFICER. The Senator from Pennsylvania asks unanimous consent that the pending bill, H. R. 14396, be taken up immediately after the routine morning business to-morrow. Is there objection? The Chair hears none. It is so ordered.

Mr. PENROSE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session, the doors were reopened, and (at 6 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 16, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate June 15, 1906.

PROMOTIONS IN THE CONSULAR SERVICE.

William Haywood, of the District of Columbia, former secretary of legation and consul-general at Honolulu, to be consul-general of the United States of class 4 at Seoul, Korea, vice Gordon Paddock, resigned.

Henry W. Diederich, of the District of Columbia, now consul at Bremen, for promotion to be consul-general of the United States of class 4 at Antwerp, Belgium, vice Church Howe, nominated for promotion, to be consul-general of class 3 at Montreal.

George Horton, of Illinois, now consul at that place, to be consul-general of the United States of class 7 at Athens, Greece, to fill an original vacancy.

Church Howe, of Nebraska, now consul-general at Antwerp, for promotion to be consul-general of the United States of class 3 at Montreal, Canada, vice Alanson W. Edwards, resigned, to take effect June 30, 1906.

Frank R. Mowrer, of Ohio, now consul at Ghent, for promotion, to be consul-general of the United States of class 6 at Adis Ababa, Abyssinia, to fill an original vacancy.

Edward H. Ozmun, of Minnesota, now consul at Stuttgart, for promotion to be consul-general of the United States of class 3 at Constantinople, Turkey, vice Charles M. Dickinson, appointed consul-general at large.

Gabriel Bie Ravndal, of South Dakota, now consul at Dawson, to be consul-general of the United States of class 5 at Beirut, Turkey, vice Leo Allen Bergholz, nominated for promotion to be consul-general of class 4 at Canton.

Willard D. Straight, of New York, now vice-consul-general at Seoul, to be consul-general of the United States of class 5 at Mukden, China, vice Fleming D. Cheshire, appointed consul-general at large.

Alban G. Snyder, of West Virginia, now secretary of the legation and consul-general at Bogota, for promotion to be consul-general of the United States of class 5 at Buenos Ayres, Argentine Republic, vice George C. Cole, nominated for promotion to be consul of class 3 at Dawson.

Samuel M. Taylor, of Ohio, now consul at Glasgow, to be consul-general of the United States of class 5 at Callao, Peru, vice Elmer E. E. McJimsey, declined.

Jay White, of Michigan, now consul at Hanover, for promotion to be consul-general of the United States of class 6 at Bogota, Colombia, vice Alban G. Snyder, nominated for promotion to be consul-general of class 5 at Buenos Ayres.

Joseph M. Authier, of Rhode Island, now commercial agent at that place, to be consul of the United States of class 9 at St. Hyacinthe, Quebec, Canada.

Julean H. Arnold, of California, a student interpreter to China, to be consul of the United States of class 7 at Tamsui, Formosa, vice Fred D. Fisher, nominated for promotion to be consul of class 5 at Harbin.

William P. Atwell, of the District of Columbia, now consul at Roubaix, for promotion to be consul of the United States of class 7 at Ghent, Belgium, vice Frank R. Mowrer, nominated for promotion to be consul-general of class 6 at Adis Ababa, Abyssinia.

William Harrison Bradley, of Illinois, now consul-general at that place, to be consul of the United States of class 2 at Manchester, England, to fill an original vacancy.

James S. Benedict, of New York, now commercial agent at that place, to be consul of the United States of class 9 at Campbellton, New Brunswick, Canada.

Gustave Beutelspacher, of Ohio, now commercial agent at that place, to be consul of the United States of class 9 at Moncton, New Brunswick, Canada.

Robert S. S. Bergh, of North Dakota, now consul at Gothenburg, for promotion to be consul of the United States of class 7 at Düsseldorf, Germany, vice Peter Lieber, recalled.

Albert W. Brickwood, jr., of Arizona, now vice and deputy consul at that place, to be consul of the United States of class 8 at Nogales, Mexico, vice Albert R. Morawetz, promoted to be consul of class 5 at Bahia.

Philip Carroll, of New York, now commercial agent at Greenville, for promotion to be consul of the United States of class 9 at Manzanillo, Mexico, to fill an original vacancy.

Edwin S. Cunningham, of Tennessee, now consul at Bergen, for promotion to be consul of the United States of class 6 at Durban, Natal, to fill an original vacancy.

George C. Cole, of West Virginia, now consul-general at Buenos Ayres, for promotion to be consul of the United States of class 3 at Dawson, Yukon Territory, Canada, vice Gabriel Bie Ravndal, nominated to be consul-general of class 5 at Beirut.

Caspar S. Crowninshield, of the District of Columbia, now commercial agent at that place, to be consul of the United States of class 9 at Castellamare di Stabia, Italy.

Henry S. Culver, of Ohio, now consul at London, Ontario, Canada, for promotion to be consul of the United States of class

8 at Cork, Ireland, vice Edwin N. Gunsaulus, nominated for promotion to be consul of class 6 at Rimouski.

Chapman Coleman, of Kentucky, former secretary of legation at Berlin, to be consul of the United States of class 8 at Roubaix, France, vice William P. Atwell, nominated for promotion to be consul of class 7 at Ghent.

George A. Chamberlain, of New Jersey, late vice and deputy consul-general at Rio de Janeiro, to be consul of the United States of class 5 at Pernambuco, Brazil, vice William L. Sewell, deceased.

E. Haldeman Dennison, of Ohio, now commercial agent at Rimouski, for promotion to be consul of the United States of class 5 at Bombay, India, vice William T. Fee, nominated for promotion to be consul of class 3 at Bremen.

William F. Doty, of New Jersey, now consul at Tahiti, for promotion to be consul of the United States of class 7 at Tabriz, Persia, to fill an original vacancy.

William T. Fee, of Ohio, now consul at Bombay, for promotion to be consul of the United States of class 3 at Bremen, Germany, vice Henry W. Diederich, nominated for promotion to be consul-general of class 4 at Antwerp.

Alfred J. Fleming, of Missouri, now commercial agent at Stanbridge, for promotion to be consul of the United States of class 8 at Aden, Arabia, vice William W. Masterson, nominated to be consul of class 8 at Batum.

Charles M. Freeman, of New Hampshire, now commercial agent at that place, to be consul of the United States of class 9 at St. Pierre, St. Pierre Island.

Fred D. Fisher, of Oregon, now consul at Tamsui, for promotion to be consul of the United States of class 5 at Harbin, Manchuria, to fill an original vacancy.

Roger S. Greene, of Massachusetts, now commercial agent at that place, to be consul of the United States of class 6 at Vladivostok, Siberia.

Wilbur T. Gracey, of Massachusetts, now vice and deputy consul-general at Hongkong, to be consul of the United States of class 5 at Tsingtau, China, to fill an original vacancy.

Edwin N. Gunsaulas, of Ohio, now consul at Cork, for promotion to be consul of the United States of class 6 at Rimouski, Quebec, Canada, vice E. Haldeman Dennison, nominated for promotion to be consul of class 5 at Bombay.

Joseph E. Haven, of Illinois, now commercial agent at that place, to be consul of the United States of class 9 at St. Christopher, West Indies.

John E. Hamilton, of Kentucky, now commercial agent at that place, to be consul of the United States of class 9 at Cornwall, Ontario, Canada.

George Heimrod, of Nebraska, now consul-general at that place, to be consul of the United States of class 6 at Apia, Samoa, to fill an original vacancy.

Perley C. Heald, of Michigan, now commercial agent at Wallaceburg, for promotion to be consul of the United States of class 9 at Saigon, Cochin China, to fill an original vacancy.

E. Scott Hotchkiss, of Wisconsin, now consul at Brockville, for promotion to be consul of the United States of class 9 at Hobart, Tasmania, to fill an original vacancy.

Alexander Heingartner, of Ohio, now consul at Guelph, for promotion to be consul of the United States of class 9 at Riga, Russia, to fill an original vacancy.

George N. Ifft, of Idaho, now consul at Chatham, for promotion to be consul of the United States of class 7 at Annaberg, Germany, vice John F. Winter, deceased.

John Edward Jones, of the District of Columbia, now consul-general at that place, to be consul of the United States of class 6 at Dalny, Manchuria, to fill an original vacancy.

John F. Jewell, of Illinois, now consul at Martinique, for promotion to be consul of the United States of class 7 at St. Michaels, Azores, vice George H. Pickerell, nominated for promotion to be consul of class 5 at Para.

George B. Killmaster, of Michigan, now commercial agent at that place, to be consul of the United States of class 9 at Port Rowan, Ontario, Canada.

James A. Le Roy, of Michigan, now consul at Durango, for promotion to be consul of the United States of class 8 at Madrid, Spain, to fill an original vacancy.

William C. Magelsson, of Minnesota, now vice and deputy consul-general at Beirut, to be consul of the United States of class 9 at Bagdad, Turkey, to fill an original vacancy.

Robert E. Mansfield, of Indiana, now consul at Valparaiso, to be consul of the United States of class 6 at Lucerne, Switzerland, vice Henry H. Morgan, nominated for promotion to be consul of class 5 at Stuttgart.

William W. Masterson, of Kentucky, now consul at Aden, to be consul of the United States of class 8 at Batum, Russia, to fill an original vacancy.

Chester W. Martin, of Michigan, now consul at Amherstburg, for promotion to be consul of the United States of class 8 at Martinique, West Indies, vice John F. Jewell, nominated for promotion to be consul of class 7 at St. Michaels.

Maxwell K. Moorhead, of Pennsylvania, now consul at St. Thomas, Ontario, to be consul of the United States of class 9 at Belgrade, Servia, to fill an original vacancy.

Henry H. Morgan, of Louisiana, now consul at Lucerne, for promotion to be consul of the United States of class 5 at Stuttgart, Wurttemberg, vice Edward H. Ozmun, nominated for promotion to be consul-general of class 3 at Constantinople.

Milton M. Price, of South Dakota, now commercial agent at that place, to be consul of the United States of class 8 at Jeres de la Frontera, Spain.

George W. Shotts, of Michigan, now commercial agent at that place, to be consul of the United States of class 8 at Sault Ste. Marie, Ontario, Canada.

Nicholas R. Snyder, of Pennsylvania, now commercial agent at that place, to be consul of the United States of class 7 at Port Antonio, Jamaica.

John H. Shirley, of Illinois, now commercial agent at Goderich, for promotion to be consul of the United States of class 9 at Suva, Fiji Islands, to fill an original vacancy.

Augustus G. Seyfert, of Pennsylvania, now consul at Stratford, for promotion to be consul of the United States of class 9 at Durango, Mexico, vice James A. Le Roy, nominated for promotion to be consul of class 8 at Madrid.

Nicholas C. Schlemmer, of Texas, now vice-consul at Mannheim, to be consul of the United States of class 8 at Bergen, Norway, vice Edwin S. Cunningham, nominated for promotion to be consul of class 6 at Durban.

John S. Twells, of Pennsylvania, now commercial agent at that place, to be consul of the United States of class 7 at Carlsbad, Austria.

Henry B. Wardman, of Pennsylvania, now commercial agent at that place, to be consul of the United States of class 9 at Aguascalientes, Mexico.

Alfred A. Winslow, of Indiana, now consul-general at Guatemala, for promotion to be consul of the United States of class 4 at Valparaiso, Chile, vice Robert E. Mansfield, nominated to be consul of class 6 at Lucerne.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet James Louis Ahern to be a third lieutenant in the Revenue-Cutter Service of the United States.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1906, upon the completion of three years' service:

Ernest J. King.
William Norris.
John P. Jackson.
Arthur P. Fairfield.
John H. Furse.
Charles T. Hutchins, jr.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of June, 1906, to fill vacancies existing in that grade on that date:

Ernest J. King.
William Norris.
John P. Jackson.
Arthur P. Fairfield.
John H. Furse.
Charles T. Hutchins, jr.

Midshipman Omenzo C. F. Dodge to be an ensign in the Navy from the 2d day of February, 1906, to fill a vacancy existing in that grade on that date.

RECEIVER OF PUBLIC MONEYS.

Charles B. Timberlake, of Colorado, to be receiver of public moneys at Sterling, Colo., his term having expired December 18, 1905. (Reappointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 15, 1906.

PROMOTIONS IN THE NAVY.

Commander Greenlief A. Merriam to be a captain in the Navy from the 6th day of June, 1906.

Commander John B. Milton to be a captain in the Navy from the 6th day of June, 1906.

Commander Aaron Ward, an additional number in grade, to be a captain in the Navy from the 6th day of June, 1906.

UNITED STATES ATTORNEY.

William M. Mellette, of Indian Territory, to be United States attorney for the western district of Indian Territory.

POSTMASTERS.

KANSAS.

John W. Skinner to be postmaster at Winfield, in the county of Cowley and State of Kansas.

MISSOURI.

Melvin C. James to be postmaster at Higginsville, in the county of Lafayette and State of Missouri.

NEW YORK.

John M. Hamilton to be postmaster at Batavia, in the county of Genesee and State of New York.

George T. Salmon to be postmaster at Lima, in the county of Livingston and State of New York.

OHIO.

William H. Cullen to be postmaster at Paulding, in the county of Paulding and State of Ohio.

James H. Fluhart to be postmaster at Continental, in the county of Putnam and State of Ohio.

Charles A. Moodey to be postmaster at Painesville, in the county of Lake and State of Ohio.

Richard L. Moore to be postmaster at Cuyahoga Falls, in the county of Summit and State of Ohio.

Charles W. Searls to be postmaster at Madison, in the county of Lake and State of Ohio.

PENNSYLVANIA.

Franklin Wisener to be postmaster at Beaver Falls, in the county of Beaver and State of Pennsylvania.

TENNESSEE.

M. Haworth to be postmaster at Maryville, in the county of Blount and State of Tennessee.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 15, 1906.*

The House met at 11 o'clock a. m., and was called to order by Mr. ALEXANDER MCDOWELL, its Clerk, who laid before the House the following letter:

SPEAKER'S ROOM, HOUSE OF REPRESENTATIVES,
Washington, D. C., June 15, 1906.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, to act as Speaker pro tempore.

J. G. CANNON, *Speaker.*

Mr. DALZELL accordingly assumed the chair as Speaker pro tempore.

The Journal of yesterday's proceedings was read and approved.

BUSINESS OF COMMITTEE ON WAR CLAIMS.

Mr. MAHON. Mr. Speaker, I ask unanimous consent that to-morrow be substituted for war claims instead of to-day.

The SPEAKER pro tempore. The gentleman from Pennsylvania asks unanimous consent that to-morrow be substituted for to-day for the consideration of business of the Committee on War Claims. Is there objection? [After a pause.] The Chair hears none.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union, Mr. WATSON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the sundry civil appropriation bill. The Chair desires to state that last evening when the committee rose there was an amendment offered by the gentleman from Georgia pending. The Chair stated that the amendment would be pending at this sitting of the committee this morning.

Mr. TAWNEY. Let the amendment be read.

The CHAIRMAN. It was simply a pro forma amendment, to strike out the last word; but the Chair announced that that would be considered as pending this morning. The gentleman from Georgia is not present; it is not the fault of the committee, and the Clerk will read.

The Clerk read as follows:

Opinions of the Attorney-General: To enable the Attorney-General to employ, at his discretion, and irrespective of the provisions of section 1765 of the Revised Statutes, such competent person or persons as will, in his judgment, best perform the service, to edit and prepare for publication and superintend the printing of volume 25 of the Opinions of the Attorney-General, $500; the printing of said volume to be done in accordance with the provisions of section 383 of the Revised Statutes.

Mr. LITTLEFIELD. I offer the following new paragraph as an amendment to the bill.

The Clerk read as follows:

To systematize the preparation of law indexes, etc., and to provide trained law clerks therefor: To enable the Librarian of Congress to direct the law librarian to prepare a new index to the Statutes at Large, in accordance with a plan previously approved by the Judiciary Committees of both Houses of Congress, and to prepare such other indexes, digests, and compilations of law as may be required for Congress and other official use, $5,840, to pay for five additional assistants in the law library, one at $1,800, one at $1,200, one at $900, and two at $720 each, and for the law librarian, $500, the said sum to be paid to the law librarian notwithstanding section 1765 of the Revised Statutes.

Mr. LITTLEFIELD. I do not understand that there is any objection to the adoption of the amendment, and that being the case, I shall not take time unless an explanation is desired.

Mr. NORRIS. I would like to ask the gentleman, does this amendment interfere in any way with the provision that has been adopted, as I understand in a preceding Congress, providing for codification of the laws?

Mr. LITTLEFIELD. No; this amendment, or this provision, will provide for a scientific indexing of legislation up to date. It proposes to authorize clerks for that purpose. I have the data here in detail, I would say to the gentleman. It does not interfere with the code or the consolidation or revision. That legislation, as I remember it, simply provides for a revision. When revised, the men revising will probably take care of the index.

Mr. NORRIS. Is it the intention that this amendment the gentleman offers shall not go into effect until the revision takes place, so that they will index the revision rather than the law as it stands now?

Mr. LITTLEFIELD. This will go into effect at once. We have to-day thirty-three volumes of the Statutes at Large. There is no scientific index of them. No matter what the revision may be, the gentleman full well understands it will always be necessary to consult these thirty-three volumes to get an intelligent idea of what the law is. All we have to-day in connection with these thirty-three volumes is a separate index for each volume, which is very inartistic and unscientific. This would enable these three clerks and two stenographers to begin work and make a scientific index of these volumes, for instance, to bring it up to date. There was an effort made to produce an index of all the laws and have it published as what is called a "consolidated index." As a matter of fact, all there is of that consolidated index is simply the work of taking the separate indexes of these thirty-three volumes and with scissors and paste putting them together. While it is absolutely unscientific, it is better than the existing thirty-three indexes only, because it puts them all in one book. It does not give any idea of what legislation has been repealed and what legislation may be inconsistent—in fact, practically it is of no value so far as giving an intelligent understanding of what the law is. Now, it turns out, on investigation, that there has been going on, in connection with a number of the bureaus of the Government where they have legal work, a large amount of indexing on their own account; so that there has been indexing going on in various Departments, and under this provision we will have these consolidated and no duplication of the work. Let me give an illustration——

Mr. NORRIS. If the gentleman will permit, I would like to suggest——

Mr. LITTLEFIELD (continuing). Last summer, when the Landis Commission wanted all the laws relating to the work of the Public Printer, a full index had to be prepared by the young woman who catalogues the documents under the superintendent of documents, and it was a very unscientific and unsatisfactory work, as well as expensive. Now, the purpose is to have all the indexes of the legislation and the works of the various Departments combined down here in the law library, where it can be reached, where the work can be done accurately, and where we can get rid of the duplication of the work of these various Departments.

Mr. NORRIS. Mr. Chairman, I want to suggest to the gentleman from Maine that I heartily agree with him that we ought to have some method of indexing by which we can find the laws passed by Congress, but it occurred to me that we had provided in some way by a resolution or by a law passed here that one of the committees of the House should revise the statutes that they have already reported, as far as the criminal code is concerned. If that is true——

Mr. LITTLEFIELD. It is not true. The gentleman from Massachusetts [Mr. HOAR] will explain.

Mr. NORRIS. Would the index proposed by this amendment be applicable to the revision that is to be made by this committee; and if it would not, what is the use of it?

Mr. HOAR. The commission is now authorized by special act to codify the laws and to prepare an index, and that index is about half done, for the revision of the laws. That will be completed under the authority of that Commission, but this proposition of the gentleman from Maine will not affect that at all.

Mr. NORRIS. What is the use of having two indexes?

Mr. LITTLEFIELD. In the first place, the index of the revision of the laws has no relation whatever, not the slightest, as a legal proposition or as a proposition of fact, to the indexes proposed in this amendment. To illustrate, the index spoken of by the gentleman from Massachusetts would give you no index at all for the thirty-three volumes of the Statutes at Large, and by it you couldn't find a thing in it. Now I will read briefly what is really proposed by the amendment, and then I will be glad to answer any questions.

The CHAIRMAN. The time of the gentleman from Maine has expired.

Mr. LITTLEFIELD. I ask for five minutes more.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that he may have his time extended five minutes. Is there objection?

There was no objection.

Mr. GROSVENOR. Before the gentleman begins to read I want to ask him a question. If we are to have, as we propose to have, a complete index of the statutes of the United States, would it not be better to have the index project carried over to the end of this Congress so as to include this legislation, and let the index be a compound index of both the new codification and the reference to the old?

Mr. LITTLEFIELD. I think not, and I will explain why.

Mr. GROSVENOR. It seems to me that it is wholly premature to organize another commission to index the statutes which for practical purposes have become obsolete.

Mr. LITTLEFIELD. The thirty-three volumes of the Statutes at Large never will become obsolete. The revision simply gives the public statutes as they exist to-day. Of course the thirty-three volumes of the Statutes at Large contain a vast amount of legislation, private in its character, and also public in its character, and that law will not appear at all in the revision, and there is absolutely no index of any value to those thirty-three volumes. No matter how complete the index is to the Revised Statutes, you will have no index whatever to the legislation enacted in previous years and included in the thirty-three volumes of the Statutes at Large.

Mr. GROSVENOR. Why not make it all at one time? Index the law as it stands to-day, and refer to the law in the Statutes at Large under one title.

Mr. LITTLEFIELD. I think it would be impracticable to make an index of that kind. For instance, the index to the revision of 1878 which we have gives no reference whatever to the Statutes at Large for the various years. I never saw an index of that kind, and I think it would be incongruous to attempt to make one. Now, I will read the general scope of the proposition:

Plan to systematize the compiling, digesting, and indexing of law for Congress and the Executive Departments.

I. PROPOSED PLAN AND PURPOSE.

Employ three *trained law indexers* in the *law library in the Capitol* at $1,800, $1,200, and $900, and two stenographers at $720 each.

Prepare a *standard scheme of classification* for the Federal statute law. The classification scheme of the Century Digest, which cost the West Publishing Company $20,000, is rapidly becoming the standard for indexing the case law of the country. A standardized classification will be a *time saver* for all who consult the statutes.

Index anew the 33 volumes (35,390 pages) of the *Statutes at Large* (including joint resolutions, treaties, proclamations), and thus make it possible to gather quickly and accurately all the law on any particular topic. All who use the *existing indexes, made by different persons at different times during a century*, each following his own ideas as to classification, are subjected to endless search and uncertainty. By omitting altogether or by printing in small type the index to private acts (pensions, claims, etc.), *a handy, compact index to the 33 volumes of the Statutes at Large can be prepared.*

Make it possible for the Members of Congress, their clerks, and secretaries to utilize readily the *detailed knowledge of Federal law*, its phraseology, etc., which a small group of *trained indexers would gain by giving their undivided attention to such work.* This knowledge, together with the card records, compilations, and digests, being easily accessible in the law library, *could be utilized during the legislative session to advantage.*

Gradually centralize in the law library the compiling, digesting, and indexing of the *particular topics of the law which are needed regularly or occasionally* by the committees of Congress, the bureaus and divisions of the Executive Departments.

Utilize the large collections of American and foreign law in the law library *instead of mutiplying the development of law libraries* in so many bureaus, divisions, and offices of the Executive Departments.

Make the *law library a clearing house*, as it were, *for both the printed* and *unprinted compilations*, digests, and indexes which are prepared, and thereby provide against wasteful duplication and furnish *a central point* from which all officers of the Government may secure prompt and accurate information on all such matters.

Make it possible for *the sudden and occasional need for this sort of law work* to be promptly, economically and accurately satisfied, e. g., when the *Landis Commission* wanted all the law relating to the work of the Public Printer this summer the compilation and index had to be prepared by the young women who catalogue documents at the office of the superintendent of documents.

II. NECESSITY FOR SYSTEM.

The *aggregate amount* of compiling, digesting, and indexing of law on various topics which is *now done* for the various bureaus, divisions, etc., of the Executive Departments and the committees of Congress requires an average *annual expenditure for services alone* of nearly $15,000.

An excessive price is now paid for service because it is customary to employ persons already in the Government service. They sandwich in the *compiling, indexing, etc., at night and other odd times*, and the value of their service is based on the number of months or years over which the work has been prolonged, e. g., three years are claimed to have been spent by three or four persons in preparing the Consolidated Index to the Statutes at Large, whereas two persons, giving their whole time to the use of scissors and paste, could have done it in six or eight months.

Most of the compiling and indexing of law is at present done by *amateurs*, many of whom have had no law training, and have no familiarity with law literature, and no experience in the use of law reference books.

Great deal of *valuable time now lost in endless search to find all the law on particular topics* in the 35,390 pages of the Statutes at Large. Logically identical matter is indexed under various subject headings, and often without cross references. Many laws and parts of laws are not indexed. *There exists no list of the laws* expressly *repealed*, much less those repealed by implication.

Mr. PERKINS. I would like to ask the gentleman from Maine a question.

Mr. LITTLEFIELD. I will yield to the gentleman.

Mr. PERKINS. Does this provide for an index that is to be published or only for a card index?

Mr. LITTLEFIELD. It provides for a printed index as well as for a card index.

Mr. PERKINS. The result will be published in book form?

Mr. LITTLEFIELD. Yes; from time to time.

Mr. PERKINS. This commission is to be a permanent commission or a force of clerks?

Mr. LITTLEFIELD. Yes; so as to keep the current law index up to date.

Mr. PERKINS. How often does the gentleman from Maine suppose it would be published, or would it be a card index in the meantime that could only be consulted in Washington?

Mr. LITTLEFIELD. To illustrate, my idea would be this: I think the index of the thirty-three volumes of the Statutes at Large would be published as soon as it was completed, or perhaps as soon as the thirty-fourth volume was published. Then as we had current legislation that required indexing the card index would be carried along with it in a scientific manner, and from time to time we would have an additional publication, so that it would be available for general use.

Mr. PERKINS. Why does the gentleman say that this would necessarily stop the work of the Department in their indexing, would they be furnished with a card index?

Mr. LITTLEFIELD. Undoubtedly.

Mr. PERKINS. Would they be content with that?

Mr. LITTLEFIELD. I can't absolutely say, but if Congress adopts a general plan and makes a clearing house where men can scientifically do the work, I do not believe the Departments would go on and duplicate it.

It would be entirely unnecessary for them to undertake to duplicate it, for they could get better work by the central organization here in the law library than could be done by their own employees. I do not think there is any reason to assume that they would attempt to make indexes on their own account, and thus get a poorer index, in order to make the law that relates to the various bureaus available for their daily use.

Mr. PERKINS. May I ask the gentleman, without any impropriety——

Mr. LITTLEFIELD. Oh, certainly.

Mr. PERKINS. If this scheme of indexing, in its general features, in reference to which he has consulted with the Librarian of Congress, meets with his approval?

Mr. LITTLEFIELD. Yes; it meets with the approval of the Librarian of Congress; it meets with the approval of the Assistant Attorney-General for the Post-Office Department, it meets with the approval of the chief law officer of the Department of Commerce and Labor, and I think my friend from Nebraska [Mr. KENNEDY] has a very vigorous letter from the Attorney-General of the United States, who also approves of it.

Mr. CLARK of Missouri. I should like to ask the gentleman two or three questions.

Mr. LITTLEFIELD. Certainly.

Mr. CLARK of Missouri. Is not this commission that was appointed to codify the laws, and that undertook to revise them, doing this same identical work?

Mr. LITTLEFIELD. Not at all.

Mr. CLARK of Missouri. Is there not some kind of a commission that we had a wrangle about here four or five weeks ago, making some sort of an index of all the acts passed by Congress?

Mr. LITTLEFIELD. No.

Mr. CLARK of Missouri. What was that ?

Mr. LITTLEFIELD. No; they are simply making a private-bill index. I did not know that there was any such legislation, but the gentleman from Iowa [Mr. SMITH] tells me they are simply making a private-bill index.

Mr. PERKINS. Your index will not cover private bills at all, will it?

Mr. LITTLEFIELD. No. It will scientifically cover the thirty-three volumes of the Statutes at Large.

Mr. PERKINS. Private bills as well as public bills?

Mr. LITTLEFIELD. I imagine so.

Mr. MANN. Not private bills, but private laws. The gentleman said "private bills."

Mr. LITTLEFIELD. Private laws.

Mr. PERKINS. Would they index a pension bill, for instance?

Mr. LITTLEFIELD. If pension bills or private claims were carried along in the general index, it would take up an immense space in the index, and they would not be carried along, I should say, in the scientific manner that is proposed to be employed by these clerks, in the general index of the public laws; that is, they would not cumber up the general index of the public laws with an index of private claims and pension bills. Of course, it is entirely true that people may want to ascertain what private bills have been passed, and that information ought to be available, and undoubtedly will be available, but not in this index of the public laws. Under this, very likely and very properly, they might have an index of private laws.

Mr. CLARK of Missouri. If we establish this commission, what assurance have we that it will not be a continuing and perpetual performance?

Mr. LITTLEFIELD. I am inclined to think, if the gentleman from Missouri will excuse me, that it ought to be. It is not a commission, or a bureau, but it simply authorizes the employment of three additional clerks in the law library, with two stenographers. They can be cut off at any time, and if one can do the indexing that is necessary, and that we all concede we ought to have——

Mr. CLARK of Missouri. Of course.

Mr. LITTLEFIELD. There is no question about it. It is not a permanent appropriation. It is an appropriation simply for this year. If they get their indexing up to date, and these clerks are not necessary, why, they can be cut off on any subsequent appropriation bill. If one clerk, for instance, can keep the scientific indexing up to date, we can regulate and control the matter by simply appropriating for one clerk; only the idea is to have some system for keeping the index up to date after they have completed the indexing now on hand, so that it will be current, and I have no doubt the gentleman will say that is entirely proper.

Mr. CLARK of Missouri. I think it ought to be kept up, but here now you go and appropriate for one year.

Mr. LITTLEFIELD. Yes.

Mr. CLARK of Missouri. Can they do all that work in one year or not?

Mr. LITTLEFIELD. I doubt if they can. They can not bring it up to date in one year. Let me give the gentleman an illustration. A scissors-and-paste index—and that is what first called my attention to this need—has been made now of the thirty-three volumes, and there was an estimate made in the State Department that the value of the work for doing that simply by the use of scissors and paste—and the gentleman who made the estimate did not know how it was done, did not understand the lack of scientific value—was from ten to fifteen thousand dollars. Now, these three clerks and two stenographers could undoubtedly make a scientific index of the same volumes in at least two years' time, and probably less, for which that estimate of something like from ten to fifteen thousand dollars was made, and make it valuable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I ask that the gentleman's time be extended for five minutes.

Mr. MAHON. Mr. Chairman, I demand the regular order.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would now like to ask the gentleman a question.

Mr. LITTLEFIELD. Certainly.

Mr. MANN. Mr. Chairman, as I understand—and I ask the gentleman for information—an index has recently been made at a very great expense that everybody concedes to be valueless.

Mr. TAWNEY. It has not been paid for.

Mr. LITTLEFIELD. Nothing has been paid for that index as yet. It has been printed at great expense, but nothing has been paid as compensation for the making of it.

Mr. MANN. It has been made at great expense up to date?

Mr. LITTLEFIELD. That is true.

Mr. MANN. And is valueless?

Mr. LITTLEFIELD. No; I will not go quite so far as to say that. I do not think that can with propriety be said.

Mr. MANN. It is so nearly valueless that the gentleman already wishes to supersede it before it is paid for.

Mr. LITTLEFIELD. That is right.

Mr. MANN. I should say that comes very near to being valueless in the gentleman's opinion. The gentleman's proposition is that he wishes to have some person who is scientifically able to make an index, prepare an index, of both the private and public laws comprised in the volumes of the Statutes at Large. Am I correct?

Mr. LITTLEFIELD. Yes.

Mr. MANN. Does the gentleman not think that in any event, if we have a codification of the laws, the index of the codification and the index of the Statutes at Large ought to be made on the same lines, so that a person who becomes familiar with the index to the codification can find something he wants to find in the index to the Statutes at Large without learning the new system?

Mr. LITTLEFIELD. There is something in the suggestion of the gentleman.

Mr. MANN. In other words, two different men never make an index in the same way.

Mr. LITTLEFIELD. Let me call the gentleman's attention to this fact. The Commission that is now in charge of the revision of the statutes is making an index of that revision. They go out of existence unless Congress increases their tenure as soon as they complete that work. Of course the gentleman concedes, because every gentleman who is intelligent on the subject will, that a proper index is necessary of these thirty-three volumes of the Statutes at Large. Of course that is one of the great things involved in this proposition.

Mr. MANN. I certainly will concede that if a proper codification of the laws is necessary a proper index to the codification is necessary, and if that codification is made in the proper manner, it will contain side notes on each page giving a history of every public statute, which itself is the best index possible of the public statutes.

Mr. SMITH of Iowa. Let me call the gentleman's attention to this, that many of the laws have been repealed and yet have their effect on existing cases. A codification, of course, does not show the history of the laws which have been repealed.

Mr. MANN. The gentleman's suggestion is of value, but it came before I had finished my proposition. I have no doubt that there ought to be a method, an easy method obtained by which a person looking up a law can find the law in an index, but it seems to me that it would be almost a valueless piece of work to now propose to make an index to the Statutes at Large without including in that index the index to the codified laws and without having the index upon the same general schemes; and that in order to do that this matter ought to go to the Committee on the Revision of the Laws. I think we ought to authorize them to sit during the recess. If you make an index to this now without including the codification, you omit the main statute that you want to cover—the principal statute at large of the public law—because you do not cover the codification. The man who looks at the index ought to be able to find the law in the codified law and in connection with that on the same general scheme ought to be able to find the law in the Statutes at Large.

Mr. LITTLEFIELD. I will say to the gentleman frankly that while that may be his view of it, I have had occasion in my time to examine a great many indexes and I never saw one built on that plan. I have examined the index of the revised statutes of my State year after year, and we have in my State legislation annually, and I never found an index of the revised statutes that would give me the necessary light in searching out the legislation from year to year.

Mr. MANN. Well, the gentleman did not listen with his usual acumen.

Mr. LITTLEFIELD. I beg pardon. That may be true, but I was endeavoring to do so.

Mr. MANN. I do not say that the index to the codification ought to include the index to the Statutes at Large, but I say that the Statutes at Large ought to include the index to the codification. It is a perfectly plain proposition, I think the gentleman will admit.

Mr. LITTLEFIELD. That the index of the Statutes at Large ought to include the index to the codification?

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. MANN. I ask, Mr. Chairman, for two minutes more.

Mr. TAWNEY. Mr. Chairman, I move that all debate on this amendment be closed in five minutes.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Minnesota?

Mr. MANN. I do.

The CHAIRMAN. The gentleman from Minnesota moves that all debate upon the pending paragraph be closed in five minutes.

The motion was agreed to.

Mr. MANN. Does not the gentleman think that if the codification of the Statutes at Large is brought down to the date at which the index is concluded, it would be wiser if we would include the statutes which have been codified——

Mr. LITTLEFIELD. Oh, I do not think we ought to include that at all. I am under an entirely different impression. We have to-day the revision of 1878—that is, the Revised Statutes of the United States—and in the back part of that volume there is an index to the Revised Statutes of the United States, and that is all that that relates to——

Mr. MANN. And all that it ought to relate to.

Mr. LITTLEFIELD. We have thirty-three volumes, or will have thirty-four, perhaps, when this index is completed, and all the index of those thirty-four volumes, if I am right, and I am under the impression I am, all that the index of those thirty-four volumes ought to relate to are those thirty-four volumes. I do not think, if the gentleman will excuse me for making a suggestion, it has any necessary or proper or legal connection with the index of the revision, and it seems to me it ought to be——

Mr. MANN. But the gentleman will see if the index is not completed until the law is codified it will necessarily include the index of the codified law, because that is one of the statutes which will be published as part of the session's laws. The index of the revision and the index to the Statutes at Large ought to be on the same scheme in regard to the same subject.

Mr. LITTLEFIELD. I appreciate the force of the gentleman's suggestion, but it is impracticable to take them that way. This Commission to revise is going out of existence as soon as they complete their work.

Mr. MANN. But I understood this Commission wants to sit during the recess.

Mr. LITTLEFIELD. Now, this present proposition, as I hearty approval of the Committee on Revision of the Laws. Revision of the Laws——

Mr. MANN. I do not so understand it.

Mr. LITTLEFIELD. I so understand it, that it has the hearty approval of the Committee on Revision of the Laws. This index can have no earthly relation to the index made by the Commission. It is entirely independent and separate from it, and it is impracticable, if the gentleman will permit me, to include the two.

Mr. KENNEDY of Nebraska rose.

The CHAIRMAN. Does the gentleman from Maine yield to the gentleman from Nebraska?

Mr. MANN. I believe the time is mine.

Mr. KENNEDY of Nebraska. Mr. Chairman, I would like to ask the gentleman from Maine to have read at the desk in his time before the debate closes the Attorney-General's letter to me on this subject.

Mr. MANN. I will be very glad to have that printed in the RECORD.

Mr. KENNEDY of Nebraska. Would it be asking too much to request the gentleman from Illinois to have the letter read in his time?

Mr. MANN. It would not be if the gentleman will wait until I make a suggestion. I understood the gentleman from Maine to say the Committee on the Revision of the Laws was in favor of this proposition.

Mr. LITTLEFIELD. I so understand.

Mr. MANN. I talked to two gentlemen the other day prominent on the Committee on the Revision of the Laws, including the chairman, and I did not so understand.

Mr. LITTLEFIELD. Then I may be in error.

Mr. MANN. It seems to me that the wisest thing to do, if we are going to permit this committee to sit during the recess, would be to let that committee consider this question. It is right in the line of their work, and let them ascertain what kind of an index we ought to have made and how it shall be brought about, without putting it in here where there may be a conflict.

Mr. LITTLEFIELD. This amendment expressly provides——

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. Mr. Chairman, I want the amendment read. I was not present when it was read before, and some other gentlemen would also like to hear it.

Mr. KENNEDY of Nebraska. Mr. Chairman, I ask unanimous consent that the letter written to me by the Attorney-General of the United States covering this matter be read to the House.

The CHAIRMAN. The gentleman from Nebraska asks unanimous consent that a letter addressed to him by the Attorney-General be read. Is there objection?

Mr. TAWNEY. Mr. Chairman, we have consumed almost an hour on this proposition. I object.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD] will be again read.

Mr. MANN. Mr. Chairman, I ask that the letter referred to by the gentleman from Nebraska [Mr. KENNEDY] be printed in the RECORD.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the letter referred to by the gentleman from Nebraska be printed in the RECORD. Is there objection?

There was no objection.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
Washington, June 12, 1906.

Hon. JOHN L. KENNEDY,
House of Representatives, Washington, D. C.

SIR: I have received your letter of the 7th instant, inclosing House resolution No. 538 relative "to the preparation of a thoroughly good index to the Statutes at Large and such other compilations, digests, and indexes as may be required from time to time for the use of Congress or other official use," and you are at liberty to say that I heartily indorse the object of your resolution.

A new index to the public acts and resolutions found in the thirty-three volumes of the Statutes at Large would, if thoroughly done, be of great use to this Department. It is frequently necessary, not only to know the existing law, but the statutes which preceded the existing law and the interpretation which the courts have given the earlier statutes, as, for example, the various bankruptcy laws.

As rapidly as the chapters of the new edition of the Revised Statutes are enacted they ought to be indexed by expert law indexers; and each year the new statutes of general and permanent interest ought to be indexed in accordance with the same general plan.

There is undoubtedly a certain quantity of compiling, digesting, and indexing of law required by the bureaus, etc., of the Executive Departments and the committees of Congress. Until a particular work is printed, few, if any, outside of the particular office in which it is prepared know about it. It is impossible to estimate accurately the present cost of this work, because it is prepared under so many different circumstances—special appropriations in some instances and regularly employed clerks at different salaries in other instances. If the work were systematized at some central point and placed in the hands of specially trained law clerks, it would undoubtedly be better and more economically done than it is at present.

Respectfully,
W. H. MOODY,
Attorney-General.

The CHAIRMAN. Is there objection to again reporting the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD]?

There was no objection.

The Clerk again read the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maine [Mr. LITTLEFIELD].

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. LITTLEFIELD. Division, Mr. Chairman.

The House divided; and there were—ayes 45, noes 42.

So the amendment was agreed to.

Mr. BARTLETT. Mr. Chairman, I desire to address myself to the preceding section, and only for a minute or two, if the committee will not object, in reference to the enforcement of the antitrust law. I ask unanimous consent that I may proceed for a few minutes.

The CHAIRMAN. The gentleman asks unanimous consent to return to the preceding section.

Mr. BARTLETT. Yes; for five minutes.

Mr. TAWNEY. I will consent to it if it is to be simply a pro forma amendment.

Mr. BARTLETT. That is all.

Mr. TAWNEY. For discussion?

Mr. BARTLETT. That is all.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Georgia [Mr. BARTLETT] is recognized for five minutes.

Mr. BARTLETT. I shall detain the committee but for a few moments. The enforcement of the antitrust law under the act of Congress specified in this section is a provision which I had the honor to offer and have placed upon the legislative, executive, and judicial appropriation bill in December,

1902, which became a law February 25, 1903, and provided for an appropriation for the enforcement of the law against trusts. This law has been, in a measure, enforced since that time. In 1902 I offered an amendment appropriating only $250,000. That was met by an amendment offered by the gentleman from Iowa [Mr. HEPBURN] increasing the sum to $500,000. I take the floor merely to call attention to the fact that while we appropriated $500,000 in 1902 there still remains, after paying—I will not say exorbitant, but large—salaries to attorneys and other officers of the Department of Justice in the prosecution of these trust companies, on March 17, 1903, unexpended $379,000 of this fund.

Mr. TAWNEY. Will the gentleman yield?

Mr. BARTLETT. Certainly.

Mr. TAWNEY. I want to say there is a little over $100,000 left. Forty-five thousand dollars has been appropriated out of that fund for the coal and oil investigation, and this bill carries an appropriation of $160,000 more out of that fund for the same purpose. The committee believing that this money was appropriated for the investigation of violations of the antitrust law, and as this investigation is now going on along that line, the money heretofore appropriated should be made available for that purpose.

Mr. BARTLETT. I agree thoroughly with the gentleman and the committee that they did the proper thing. I have no criticism to make of the committee, but I merely call attention to the fact that the amendment I offered for $250,000 four years ago nearly was ample to answer all the purposes that the Administration has undertaken to carry out in the enforcement of the antitrust law since then, and that the $500,000 provided for by the bill in 1902 was unnecessary. With the large sums spent in the investigation of the violations of the antitrust law, with the large sums paid to detectives for inquiring into these violations, and the large salaries paid to assistant attorneys and special attorneys the Administration has not yet been able to expend $250,000 that was provided in the amendment that I offered to the bill in 1902.

I will not say anything further in reference to that, Mr. Chairman, except to ask permission to incorporate in the RECORD the evidence of witnesses who appeared before the Committee on Appropriations and the statements made before that committee in the hearings, which I hold in my hand, in order to show the country what has been done with this sum, and the amount which has been spent and the manner it has been paid out. I ask that permission, Mr. Chairman. [Loud applause.]

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

The matter is as follows:

ENFORCEMENT OF ANTITRUST LAWS.

Mr. TAWNEY. Can you tell us how much money has been expended out of that special fund of $500,000?

Mr. GLOVER. I can not tell you; I don't know.

Mr. LITTAUER. We would like you to find out; you have the accounts, have you not, in your charge, the accounts of the Department?

Mr. GLOVER. Yes; I am chief of the division.

Mr. LITTAUER. I would like to have you make up a statement and send it to us as early as you can, covering all the expenditures included in the appropriation of $500,000, the balances which have been reappropriated from year to year, made available from year to year, that have taken place since the appropriation was made for the enforcement of the antitrust law.

Mr. GLOVER. Yes, sir.

Mr. LIVINGSTON. The amounts paid, and to whom.

Mr. LITTAUER. Including, of course, the expenditures to the 1st of January from the time the amount was originally available.

Mr. KENNARD. The amount paid to each person?

Mr. LITTAUER. No; the amount paid each year, and in the fiscal year 1905, and for the half year of 1906.

Mr. KENNARD. The total amount.

Mr. LITTAUER. The total amounts for each year.

Mr. LIVINGSTON. And we want the amount paid to each person.

Mr. TAWNEY. If it is practical.

Mr. GLOVER. We have a whole lot of necessary employees of the Government, but I don't think the committee would want to have all that in here; it may be a disclosure that you would not want. It might be a benefit to some of these antitrust people, who would be glad to know who was employed to run them out.

Mr. LITTAUER. Put it in as full shape as you think the proper interests of all concerned warrant.

ENFORCEMENT OF ANTITRUST LAWS.

The next is the enforcement of the antitrust laws.

Mr. FIELD. The estimate merely provides that the unexpended balance shall be made available for the next fiscal year. That has been on every year since the $500,000 appropriation was started.

Mr. SULLIVAN. What balance is there?

Mr. FIELD. The unexpended balance at present, after deducting the $40,000 transferred to the Interstate Commerce Commission, is $298,000. That is the unexpended balance to-day.

Mr. SULLIVAN. Up to what date?

Mr. FIELD. Up to to-day.

Mr. SULLIVAN. That is excluding the $40,000 for the Tillman-Gillespie resolution?

Mr. FIELD. Yes.

Mr. TAYLOR. That was $45,000, was it not?

Mr. FIELD. It was either $40,000 or $45,000.

The CHAIRMAN. You have submitted to the committee at this Congress a detailed statement of the expenditures out of the fund?

Mr. FIELD. Yes. That was incident to the urgent deficiency bill.

The CHAIRMAN. It was printed in full in the hearings on the urgent deficiency bill.

Mr. SULLIVAN. Is the Department of Justice now prosecuting any trust cases?

Mr. FIELD. I can hardly answer that. I am not familiar with just what prosecutions the Attorney-General is making or preparing to make. There are several cases under investigation, but in just what state the prosecutions are I could not answer.

The CHAIRMAN. One is the tobacco trust.

Mr. SULLIVAN. What is the status of the beef cases?

The CHAIRMAN. I do not know.

Mr. SULLIVAN. You are through with the beef cases now, unless Congress should grant an appeal?

Mr. FIELD. I understand so.

ENFORCEMENT OF ANTITRUST LAWS.

DEPARTMENT OF JUSTICE,
Washington, January 16, 1906.

Hon. L. M. LITTAUER,
Chairman Subcommittee on Deficiency Appropriations,
House of Representatives.

DEAR SIR: In response to a verbal request made by your committee of officials of this Department at a hearing on the urgent deficiency bill on Saturday last, the 13th instant, for a statement of the amounts expended under the appropriation for the enforcement of the antitrust laws, I have the honor to send you herewith a statement showing in detail the expenditures under this appropriation from March 17, 1903, to January 16, 1906, giving the names of the parties to whom payments were made and the date, purpose, and amount of payment.

Respectfully,

M. D. PURDY.
Acting Attorney-General.

Statement showing amount expended under appropriation "Enforcement of antitrust laws."

Name.	When paid.	Paid for—	Amount.	Total.
W. A. Day	March, 1903	Salary	$291.67	$291.67
Do	April, 1903	do	576.90	
M. D. Purdy	do	do	412.10	
W. M. Collier	do	do	210.16	
J. C. Morcock	do	do	35.16	1,234.33
D. T. Watson	May, 1903	Expenses	500.90	
Do	do	Professional services	10,000.00	
W. A. Day	do	Salary	596.20	
M. D. Purdy	do	do	425.80	
W. M. Collier	do	do	383.20	
J. C. Morcock	do	do	136.20	12,042.30
Smith Bros	June, 1903	Expenses	180.00	
R. S. Taylor	do		80.00	
W. A. Day	do	Salary	576.90	
M. D. Purdy	do	do	412.10	
W. M. Collier	do	do	370.90	
G. C. Todd	do	do	39.56	
J. C. Morcock	do	do	131.90	
J. H. Graves	do	do	131.90	1,923.26
W. A. Day	July, 1903	do	589.70	
M. D. Purdy	do	do	421.20	
W. M. Collier	do	do	379.10	
G. C. Todd	do	do	134.80	
J. C. Morcock	do	do	134.80	
J. H. Graves	do	do	134.80	1,794.40
W. A. Day	August, 1903	do	589.70	
M. D. Purdy	do	do	421.20	
W. M. Collier	do	do	379.10	
G. C. Todd	do	do	134.80	
J. C. Morcock	do	do	134.80	
J. H. Graves	do	do	134.80	
W. J. Hughes	do	Expenses	23.85	1,818.25
W. A. Day	September, 1903	do	61.50	
Do	do	Salary	570.60	
M. D. Purdy	do	do	407.60	
W. M. Collier	do	do	366.80	
G. C. Todd	do	do	130.40	
J. C. Morcock	do	do	130.40	
J. H. Graves	do	do	130.40	1,797.70
W. A. Day	October, 1903	do	589.70	
M. D. Purdy	do	do	421.20	
W. M. Collier	do	do	379.10	
G. C. Todd	do	do	134.80	
J. C. Morcock	do	do	134.80	
J. H. Graves	do	do	30.43	1,690.03
W. A. Day	November, 1903	do	570.60	
M. D. Purdy	do	do	407.60	
W. M. Collier	do	do	366.80	
G. C. Todd	do	do	130.40	
J. C. Morcock	do	do	130.40	1,605.80
H. N. Saxton	December, 1903	Expenses	127.73	
W. A. Day	do	Salary	589.70	
M. D. Purdy	do	do	421.20	
W. M. Collier	do	do	379.10	
G. C. Todd	do	do	134.80	
J. C. Morcock	do	do	134.80	1,787.33
W. A. Day	January, 1904	do	596.20	
M. D. Purdy	do	do	425.80	

Statement showing amount expended under appropriation "Enforcement of antitrust laws"—Continued.

Name.	When paid.	Paid for—	Amount.	Total.
W. M. Collier	January, 1904	Salary	$383.20	
G. C. Todd	do	do	170.30	
J. C. Morcock	do	do	136.30	
				$1,711.80
W. A. Day	February, 1904	do	557.60	
M. D. Purdy	do	do	388.40	
W. M. Collier	do	do	358.60	
G. C. Todd	do	do	159.40	
J. C. Morcock	do	do	127.40	
				1,601.40
J. L. Harr	March, 1904	Expenses	156.00	
W. A. Day	do	Salary	596.20	
M. D. Purdy	do	do	425.80	
W. M. Collier	do	do	383.20	
G. C. Todd	do	do	170.30	
J. C. Morcock	do	do	136.30	
				1,867.80
W. A. Day	April, 1904	do	576.90	
M. D. Purdy	do	do	412.10	
W. M. Collier	do	do	370.90	
G. C. Todd	do	do	164.80	
J. C. Morcock	do	do	131.90	
				1,656.60
W. A. Day	May, 1904	do	596.20	
M. D. Purdy	do	do	425.80	
W. M. Collier	do	do	383.20	
G. C. Todd	do	do	170.40	
J. C. Morcock	do	do	136.20	
				1,711.80
W. A. Day	June, 1904	do	576.90	
M. D. Purdy	do	do	412.10	
W. M. Collier	do	do	370.90	
G. C. Todd	do	do	164.80	
J. C. Morcock	do	do	131.90	
				1,656.60
G. C. Todd	September, 1904	do	500.00	
				500.00
Do	October, 1904	do	166.66	
H. C. Dickey	do	Salary and expenses	102.90	
T. I. Porter	do	do	358.30	
E. T. McHugh	do	do	41.35	
E. A. Gormon	do	do	34.45	
E. P. McAdams	do	do	88.25	
				791.91
O. E. Pagin	November, 1904	Expenses	145.08	
T. I. Porter	do	Salary and expenses	111.36	
E. P. McAdams	do	do	146.40	
T. I. Porter	do	do	570.66	
E. A. Gormon	do	do	59.75	
O. E. Pagin	do	Expenses	93.06	
D. W. Meredith	do	do	17.50	
G. C. Todd	do	Salary	166.67	
				1,310.48
E. J. McHugh	December, 1904	Salary and expenses	67.00	
E. A. Gormon	do	do	77.35	
E. P. McAdams	do	do	219.75	
T. I. Porter	do	do	185.40	
E. P. McAdams	do	do	155.50	
G. C. Todd	do	do	166.67	
O. E. Pagin	do	Salary	1,537.50	
				2,409.17
T. I. Porter	January, 1906	Salary and expenses	53.32	
E. J. McHugh	do	do	151.38	
G. C. Todd	do	Salary	208.33	
				413.03
E. J. McHugh	February, 1905	Salary and expenses	187.17	
T. I. Porter	do	do	62.77	
G. C. Todd	do	Salary	208.33	
F. B. Kellogg	do	Professional services	500.00	
H. W. Taft	do	do	1,000.00	
E. N. Hill	do	do	1,000.00	
J. Harmon	do	do	1,000.00	
F. N. Judson	do	do	1,000.00	
				4,958.27
B. & O. R. R. Co.	March, 1905	Transportation	17.50	
Pennsylvania R. R. Co.	do	do	25.00	
V. N. Roadstrum	do	Salary and expenses	383.45	
J. D. Maher	do	do	122.80	
E. J. McHugh	do	do	188.90	
T. I. Porter	do	do	175.56	
Do	do	do	110.86	
Do	do	do	248.64	
Do	do	do	167.42	
Do	do	do	336.89	
Do	do	do	224.72	
E. St. Clair	do	Expenses	38.89	
Do	do	Salary	166.67	
G. C. Todd	do	do	208.34	
				2,415.64
O. E. Pagin	April, 1905	Expenses	123.10	
V. N. Roadstrum	do	Salary and expenses	466.30	
E. St. Clair	do	do	180.52	
T. I. Porter	do	do	572.47	
S. E. Simonson	do	do	183.70	
Do	do	do	211.83	
J. D. Maher	do	do	229.60	
E. J. McHugh	do	do	209.82	
G. B. Porter	do	Expenses	20.50	
T. I. Porter	do	Salary and expenses	235.84	
Do	do	do	135.63	
J. D. Maher	do	do	162.35	
G. C. Todd	do	do	208.33	
				2,939.99
Pullman Co	May, 1905	Transportation	5.00	
O. E. Pagin	do	Expenses	182.65	
V. N. Roadstrum	do	Salary and expenses	490.05	

Statement showing amount expended under appropriation "Enforcement of antitrust laws"—Continued.

Name.	When paid.	Paid for—	Amount.	Total.
H. B. Duncan	May, 1905	Salary	$50.00	
E. St. Clair	do	Salary and expenses	181.96	
T. I. Porter	do	do	4,181.42	
S. E. Simonson	do	do	310.49	
W. J. McDermott	do	do	128.57	
Do	do	do	112.65	
A. M. Tillman	do	do	175.05	
N. C. Dolan	do	do	198.95	
J. E. Washer	do	do	179.40	
R. H. Taylor	do	do	218.40	
H. B. Duncan	do	do	200.00	
F. M. Tate	do	do	221.45	
H. T. Donaghy	do	do	226.70	
G. C. Todd	do	Salary	208.33	
O. E. Pagin	do	do	1,963.88	
F. H. Levy	do	Professional services	550.00	
E. N. Hill	do	do	700.00	
				$10,484.95
V. N. Roadstrum	June, 1905	Salary and expenses	513.04	
E. St. Clair	do	do	180.12	
E. J. McHugh	do	do	245.40	
G. E. Burns	do	do	348.10	
E. A. Gormon	do	do	125.45	
O. E. Pagin	do	do	188.37	
T. I. Porter	do	do	939.13	
W. J. McDermott	do	Salary	120.00	
L. Richey	do	Salary and expenses	330.65	
O. F. Klinke	do	do	254.30	
W. J. McDermott	do	Salary	120.00	
R. F. & P. R. R	do	Transportation	10.00	
G. T. Rwy	do	do	26.20	
Tenn. Cent. R. R.	do	do	9.65	
Pullman Co	do	do	10.00	
Penna. R. R	do	do	22.00	
Do	do	do	17.00	
G. C. Todd	do	Salary	208.34	
E. N. Hill	do	Professional services	200.00	
F. B. Kellogg	do	do	2,500.00	
F. H. Levy	do	do	1,000.00	
H. W. Taft	do	do	1,000.00	
				8,407.75
C., C., C. & St. L. Rwy.	July, 1905	Transportation	35.00	
H. B. Duncan	do	Salary	200.00	
E. St. Clair	do	Salary and expenses	175.32	
O. E. Pagin	do	Expenses	117.85	
T. I. Porter	do	Salary and expenses	100.67	
V. N. Roadstrum	do	do	477.99	
G. E. Burns	do	do	251.40	
E. J. McHugh	do	do	222.80	
L. Richey	do	do	270.75	
T. I. Porter	do	do	115.20	
S. E. Simonson	do	do	408.99	
Do	do	do	335.24	
M. D. Purdy	do	Expenses	73.75	
A. B. Clark	do	Salary and expenses	40.00	
C. Starek	do	do	610.00	
H. M. Stackhouse	do	do	4.20	
M. D. Purdy	do	Expenses	152.73	
W. J. McDermott	do	Salary	150.00	
G. C. Todd	do	do	208.33	
J. H. Graves	do	do	208.33	
F. H. Levy	do	Professional services	100.00	
E. N. Hill	do	do	200.00	
F. N. Judson	do	do	4,000.00	
J. Harmon	do	do	4,000.00	
				12,458.55
H. B. Duncan	August, 1905	Salary and expenses	253.90	
T. K. Bruner	do	do	67.50	
W. D. Miles	do	do	194.00	
V. N. Roadstrum	do	do	458.68	
E. St. Clair	do	Salary	166.66	
T. I. Porter	do	Salary and expenses	425.12	
G. E. Burns	do	do	248.00	
E. J. McHugh	do	do	217.00	
O. E. Pagin	do	Expenses	216.07	
L. Richey	do	Salary and expenses	168.00	
E. P. Grosvenor	do	do	120.83	
J. F. Johnson	do	Expenses	25.00	
E. N. Hill	do	Salary	150.00	
G. C. Todd	do	do	208.33	
J. H. Graves	do	do	208.33	
A. K. Morrison	do	do	25.00	
				3,152.42
L. & N. R. R. Co	September, 1905	Transportation	25.00	
So. Rwy. Co	do	do	19.95	
V. N. Roadstrum	do	Salary and expenses	388.39	
W. J. McDermott	do	Salary	120.00	
E. P. Grosvenor	do	do	125.00	
Do	do	Expenses	11.95	
O. E. Pagin	do	do	203.60	
F. M. Tate	do	Salary and expenses	287.50	
M. J. Thomas	do	do	53.10	
H. B. Duncan	do	do	206.35	
E. J. McHugh	do	do	226.45	
E. St. Clair	do	do	168.57	
Gunthorp-Warren Printing Co.	do	Expenses	17.50	
T. I. Porter	do	Salary and expenses	276.37	
E. P. Grosvenor	do	Expenses	55.81	
Do	do	do	26.75	
Do	do	Salary and expenses	233.13	
O. E. Pagin	do	Salary	833.34	
F. H. Levy	do	Professional services	500.00	
E. N. Hill	do	do	200.00	
G. C. Todd	do	Salary	208.34	

Statement showing amount expended under appropriation "Enforcement of antitrust laws"—Continued.

Name.	When paid.	Paid for—	Amount.	Total.
J. H. Graves	September, 1905	Salary	$208.34	
A. K. Morrison	do	do	75.00	
				$4,470.44
E. St. Clair	October, 1905	do	166.67	
V. N. Roadstrum	do	Salary and expenses	405.12	
W. J. McDermott	do	Salary	150.00	
H. B. Duncan	do	Salary and expenses	294.00	
O. E. Pagin	do	Expenses	120.51	
T. I. Porter	do	Salary and expenses	240.94	
H. T. Donaghy	do	do	264.00	
F. M. Tate	do	do	216.95	
L. Richey	do	do	212.25	
M. J. Thomas	do	do	212.66	
E. J. McHugh	do	do	241.35	
E. A. Gormon	do	do	135.80	
M. J. Thomas	do	do	26.50	
B. Davis	do	Salary	133.33	
H. M. Stackhouse	do	Salary and expenses	5.00	
J. H. Graves	do	Expenses	16.60	
E. P. Grosvenor	do	Salary and expenses	229.01	
W. J. McDermott	do	Salary	120.00	
G. C. Todd	do	do	90.28	
J. H. Graves	do	do	208.33	
A. K. Morrison	do	do	52.50	
A. F. Embry	do	do	33.33	
E. N. Hill	do	Professional services	125.00	
F. H. Levy	do	do	150.00	
H. W. Taft	do	do	350.00	
Pullman Co	do	Transportation	10.00	
Pennsylvania R. R. Co.	do		10.00	
Pullman Co	do		5.00	
Atlantic Coast Line.	do		7.75	
				4,232.88
V. N. Roadstrum	November, 1905	Salary and expenses	395.58	
B. Davis	do	Salary	200.00	
E. St. Clair	do	do	166.66	
T. I. Porter	do	Salary and expenses	319.12	
H. T. Donaghy	do	do	219.50	
E. J. McHugh	do	do	248.63	
F. M. Tate	do	do	248.40	
L. Richey	do	do	248.50	
H. B. Duncan	do	do	297.70	
E. A. Gormon	do	do	28.00	
O. E. Pagin	do	Expenses	206.60	
M. D. Purdy	do	do	118.15	
H. B. Duncan	do	Salary and expenses	253.14	
J. H. Graves	do	Salary	208.33	
A. F. Embry	do	do	100.00	
E. N. Hill	do	Professional services	200.00	
				3,561.31
Baltimore and Ohio R. R.	December, 1905	Transportation	54.00	
Central of Georgia R. R.	do	do	25.00	
Seaboard Air Line Rwy.	do	do	6.40	
W. J. McDermott	do	Salary	120.00	
V. N. Roadstrum	do	Salary and expenses	379.14	
B. Davis	do	Salary	200.00	
E. St. Clair	do	do	166.67	
E. P. Grosvenor	do	do	166.67	
O. E. Pagin	do	Expenses	137.55	
T. I. Porter	do	Salary and expenses	324.17	
E. J. McHugh	do	do	240.66	
L. Richey	do	do	240.00	
F. M. Tate	do	do	241.02	
H. T. Donaghy	do	do	240.20	
J. N. Golding	do	Expenses	50.00	
Gunthorp-Warren Printing Co.	do	do	18.00	
O. E. Pagin	do	do	141.35	
Do	do	Salary	2,500.00	
J. H. Graves	do	do	208.34	
A. F. Embry	do	do	70.00	
				5,529.17
H. B. Duncan	January, 1906	Salary and expenses	424.84	
W. J. McDermott	do	Salary	156.00	
W. D. Miles	do	Salary and expenses	53.83	
V. N. Roadstrum	do	do	425.01	
E. St. Clair	do	Salary	166.67	
F. M. Tate	do	Salary and expenses	254.30	
H. T. Donaghy	do	do	155.50	
E. J. McHugh	do	do	253.92	
T. I. Porter	do	do	319.22	
B. Davis	do	Salary	200.00	
L. Richey	do	Salary and expenses	254.46	
C. Starek	do	do	60.00	
J. N. Golding	do	Expenses	50.00	
New York Telephone Co.	do	do	7.20	
Do	do	do	7.00	
E. P. Grosvenor	do	Salary	166.67	
J. M. Beck	do	Professional services	7,500.00	
F. B. Kellogg	do	do	6,000.00	
				16,465.32
Grand total				120,692.34
Less disallowances.				10.00
Total amount expended.				120,682.34

RECAPITULATION.

Total amount appropriated	$500,000.00
Total amount expended	120,682.34
Balance	379,317.66

The above covers the period from March 17, 1903, to January 16, 1906, inclusive.

Mr. WILEY of New Jersey. Mr. Chairman, I ask unanimous consent to return to page 77 for the purpose of introducing an amendment, which I send to the Clerk's desk, and ask that the House hear the amendment before passing on my request.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to return to page 77 for the purpose of offering an amendment, which the Clerk will report for the information of the committee.

The Clerk read as follows:

On page 77, line 18, add: "Private individuals or corporations may have the tests referred to in the last two paragraphs made under the United States authorities in charge by paying to the United States Government the actual cost of such tests, in accordance with the method and rules now in vogue for private testing at the Watertown Arsenal."

Mr. TAWNEY. I object, Mr. Chairman.

The CHAIRMAN. Objection is made.

The Clerk read as follows:

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, $475,000: *Provided*, That this appropriation shall be available for the payment of the salaries of regularly appointed clerks to United States district attorneys for services rendered during vacancy in the offices of the United States district attorney: *Provided further*, That clerks and messengers in the office of the United States district attorney for the southern district of New York shall hereafter be paid from this appropriation and subsequent appropriations for salaries and expenses of district attorneys, by the disbursing clerk of the Department of Justice, in such number and at such salaries as may be fixed by the Attorney-General, and that such office expenses of said district attorney as may be approved by the Attorney-General shall also be paid in the same manner and from the same appropriations as similar expenses in other judicial districts, notwithstanding the provisions of section 836, Revised Statutes.

Mr. OLMSTED. I offer an amendment.

Mr. PERKINS. Mr. Chairman, I rise to reserve the point of order, beginning with the word "*Provided*," in line 25, page 144, and going to the end of the paragraph.

The CHAIRMAN. The Chair will state to the gentleman from Pennsylvania that as long as the point of order is reserved his amendment is not in order. The gentleman from New York reserves the point of order on that portion which the Clerk has just read, beginning with "*Provided further*," at the bottom of page 144.

Mr. PERKINS. That provision, Mr. Chairman, is not based on anything that is contained in existing law. But if the gentleman in charge of the bill can furnish an explanation of this change that is satisfactory to me, I shall not press the point of order. I do not understand the provision, and do not see why it should be made.

Mr. TAWNEY. Mr. Chairman, this provision was inserted in the bill upon the recommendation of the Department of Justice or the Attorney-General. Mr. Glover, of the Department of Justice, when before the committee, made a very full statement in regard to the necessity for this legislation, and if the gentleman from New York will turn to page 1133 of the hearings he will see. A question was asked: "I observe that you recommend a change of law here."

Mr. GLOVER. Yes; that is made necessary. I also had a bill introduced in Congress, introduced by the chairman of the Committee on the Judiciary of the United States Senate and the like committee of the House. The district attorney formerly was paid fees in the southern district of New York, but by a provision in the appropriation bill last year he became a salaried officer. Under section 834 of the Revised Statutes he was also entitled to expenses of his office, and he rendered monthly accounts. He does yet under the law, and he renders his accounts for what he pays for clerical assistance and other expenses. This is to make them paid like the same class of men in other districts—paid by the disbursing officer of the Department.

The CHAIRMAN. And is that the reason for the increase in your estimate above your present appropriation, from $440,000 to $475,000?

Mr. KENNARD. That does not affect the amount of the appropriation. That legislation would not change the amount of expenses in any way. It would merely provide a different way of paying them.

Mr. GLOVER. It would affect the amount paid from this appropriation. They are now paid from miscellaneous expenses of the United States courts.

Mr. SULLIVAN. So that hereafter his clerks and messengers would be paid directly, and not upon accounts by him?

Mr. GLOVER. Yes; as other salaried officers are paid by our disbursing officer, rather than have the district attorney pretend that he has paid all these clerks and had rendered an account as if he had actually paid them.

It was in the interest of better administration, and the committee felt that it should be enacted.

Mr. PERKINS. I would like to ask the gentleman from Minnesota whether, when the United States attorney for the southern district of New York was paid by fees, he paid out of

his fees the salaries of those he employed, or were those employed paid by the General Government?

Mr. TAWNEY. The salaries of his assistants were paid out of the fees of the office heretofore.

Mr. PERKINS. While it was a salaried office?

Mr. TAWNEY. At the present time the district attorney is allowed to pay out the fees of the office, and he reports as having paid the miscellaneous expenses. Now, he simply renders an account of having paid so much miscellaneous expenses, and the disbursing officer of the Department of Justice allows him that amount. Now, this is for the purpose of requiring all the people employed in his office to be paid directly by the disbursing officer, and the disbursing officer will then know and the Department of Justice will then know whether he has these people actually employed or not.

Mr. PERKINS. I will say to the gentleman from Minnesota that my objection to this change is not to the manner in which these expenses are to be paid by the disbursing officer, which may be a more convenient way; but the section also provides that the number of the clerks and employees in the office of the United States district attorney and their salaries shall be fixed by the Attorney-General. Is not that unusual?

Mr. TAWNEY. No; it is not. It is true now in all the other districts.

Mr. PERKINS. In all district-attorney offices?

Mr. TAWNEY. My understanding is that it is true in all of them except this one. It is true, as my colleague suggests, of all these offices. Inasmuch as the expense account, the complete expense account, is allowed in a lump sum, they never know whether the full amount is expended or not. Now, this provision will give the Attorney-General the power to determine, first, how many clerks he shall have, how many assistants, and then fix their salaries, and they are paid by the disbursing officer of the Department of Justice, as all the other employees in all the other districts are paid.

Mr. PERKINS. Is it the case, for instance, in the northern district of New York that the number of clerks, the number of assistants, and their salaries are fixed absolutely in the power and by the judgment of the Attorney-General?

Mr. TAWNEY. That is absolutely true in every district in the United States except this one.

Mr. MANN. Absolutely true, except that it is governed by the amount appropriated for the purpose.

Mr. TAWNEY. Why, certainly; within the limit of the appropriation.

Mr. PERKINS. I withdraw the point of order, Mr. Chairman.

Mr. OLMSTED. Mr. Chairman, then I offer the amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding after the word "Statutes," in line 12, page 145, the following: "*And provided further*, That section 2 of the act of June 30, 1902, being chapter 1335, as found in Statutes at Large, volume 32, part 1, page 549, shall be, and the same is hereby, repealed."

Mr. TAWNEY. I reserve the point of order.

Mr. OLMSTED. Mr. Chairman, I hope the chairman of the Committee on Appropriations will not press the point of order. The amendment does not affect the integrity of his bill nor the amount of the appropriation at all. In my judgment, the amendment would not be subject to the point of order. The paragraph itself would have been subject to a point of order, and no point being made against the paragraph a point of order would not lie against any germane amendment to the paragraph.

Mr. TAWNEY. It does not carry any appropriation, does it?

Mr. OLMSTED. It does not.

Mr. TAWNEY. I withdraw the point of order.

Mr. KEIFER. I do not fully understand the object to be attained, and I reserve the point of order.

Mr. PERKINS. Mr. Chairman, I ask that the amendment be again reported. I was unable to understand it.

Mr. OLMSTED. I think I can state it. It has reference only to the place or places of keeping the records by the clerks in the middle district in Pennsylvania. It leaves that matter just where it was in the original act creating the district before the second section, which I propose to repeal, was injected into a special bill passed in 1902 and approved June 30, 1902, amending the act creating the district.

Mr. BENNET of New York. Does this in any way affect the district attorney's office of the southern district of New York?

Mr. OLMSTED. Not at all, nor in any other district.

The CHAIRMAN. Does the gentleman from Ohio insist on his point of order?

Mr. KEIFER. I withdraw the point of order.

The question being taken on the amendment of Mr. OLMSTED, it was agreed to.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, 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 bills of the following titles:

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes;

H. R. 19264. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907; and

H. R. 18750. An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 118. An act to amend sections 713 and 714 of an act to establish a code of law for the District of Columbia, approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes;

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks; and

H. R. 15333. An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 3997. An act for the relief of John A. Meroney.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6451. An act to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.;

S. 6395. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes;

S. 6364. An act to incorporate the National Child Labor Committee;

S. 6214. An act for the relief of Jarib L. Sanderson;

S. 5698. An act to regulate the practice of veterinary medicine in the District of Columbia;

S. 4184. An act to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii;

S. 4089. An act to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army;

S. 2732. An act for the protection of wild animals in the Grand Canyon Forest Reserve;

S. 1442. An act to increase the efficiency of the militia and promote rifle practice;

S. 544. An act to provide for the purchase of a site for a public building in the city of Great Falls, Mont.; and

S. R. 66. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. José Martin Calvo, of Costa Rica.

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 amendment of the Senate to the bill (H. R. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7771. An act for the relief of Judd O. Hartzell; and

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 544) to provide for the purchase of a site for a public building in the city of Great Falls, Mont.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

For fees of United States district attorney for the District of Columbia, $23,800.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I should like to have some explanation from the gentleman in charge of the bill in reference to this provision. If I understand the law aright, apparently the district attorney of the District of Columbia receives as compensation a sum almost twice as large as the Chief Justice of the United States. Is that the law and is that the fact?

Mr. TAWNEY. He receives a salary of $5,500 a year.

Mr. PERKINS. Then explain to me what is meant by paying him $23,000 of fees.

Mr. TAWNEY. That covers all the expenses of his office.

Mr. PERKINS. How much are the expenses of the office? How much is the job worth, in other words? That is the question I should like to have answered.

Mr. TAWNEY. Five thousand five hundred dollars is all the money he can receive under the law.

Mr. PERKINS. What does he do with the $23,000 of fees?

Mr. TAWNEY. He must pay his office help out of it, and the balance is turned into the Treasury of the United States.

Mr. PERKINS. That is the balance above the payment of what?

Mr. TAWNEY. His own salary and the salaries of his assistants and clerks. The balance is paid into the Treasury of the United States.

Mr. PERKINS. Where is the provision of law that requires that? Because this bill gives over to him $23,800 of fees. What does he do with it, and where is the provision of law that requires him to turn it over?

Mr. TAWNEY. There is a general statute which expressly provides that he may retain out of the fees of his office his own salary of $5,500 and the salaries of his assistant attorneys, the salaries of his clerks and stenographers and messengers, and the balance, if any, shall be turned into the Treasury of the United States. That is the general statute.

Mr. PERKINS. Last year in this same bill the fees received by the district attorney of New York, which made that office a very enormous job, were abolished. I see the statute reads that in no case, except the District of Columbia, shall United States attorneys hereafter receive fees of office in addition to the salary provided by law. What was the object of that exception if, as the gentleman says, all that is done is the $23,000 is paid over to him and is by him paid back? Why is not the procedure in the District of Columbia made the same that it is in every other district, as I understand, in the country, and why, when the committee changed the law in reference to the southern district of New York, in order to prevent the district attorney getting an enormous compensation from fees, was an exception made of the District of Columbia? I can not understand it, if, as the gentleman says, he simply receives a salary, takes the fees, and pays them back again. Why should not the process be the same as in every other district in the country?

Mr. TAWNEY. Mr. Chairman, the office of United States district attorney of the District of Columbia is practically under the eye of the Attorney-General, under the eye of the disbursing officer, and it is very easy for the Attorney-General's office to determine whether or not the discretion he has in respect to employment, the payment of assistants and clerks is being abused or is not being abused, and I presume that is the reason. The gentleman has asked me to give reasons for legislation enacted many years ago. This I can't do, except by inference.

Mr. PERKINS. It was reported by the gentleman's own committee last year.

Mr. TAWNEY. I have no knowledge of the reasons for the legislation, although I am informed that there is a long story of Maryland politics behind it.

Mr. MUDD. I don't think the gentleman has any information about Maryland politics behind it, and such is not the fact.

Mr. PERKINS. The practical question is whether under the guise of this change, and the exception of the district attorney of the District of Columbia from the law which governs the other attorneys, the situation is like the one in the southern district of New York, which remained for years until the last Congress did away with it.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman from Minnesota will permit, I will respond to the gentleman from New York by saying that the business of the district attorney for the District of Columbia is very different from that done in the southern district of New York. In the southern district of New York the United States district attorney is prosecuting strictly Federal offenses. In the District of Columbia he is prosecuting all classes of offenses. The result is that last year he disposed of 4,638 separate and distinct cases, compared with which the number of cases disposed of in the southern district of New York was very trifling. In order to handle 4,638 cases and finally dispose of them he had to have five assistant attorneys and an equal number of clerks. It must be that the gentleman from New York realizes that where a United States district attorney has to conduct all the police-court business by himself or deputy and all prosecutions of cases that would ordinarily be conducted by the State authorities, as well as Federal cases proper, it vastly increases the amount of business that he has upon his hands. But it doesn't seem to me that any of the salaries are too high or excessive.

Mr. PERKINS. As I understand, the district attorney for the District of Columbia receives for his own use $5,500?

Mr. SMITH of Iowa. Yes.

Mr. PERKINS. He fixes the salaries of his assistants?

Mr. SMITH of Iowa. No; I think the Department of Justice fixes those salaries. The salary of the first assistant is $2,650; the second assistant, $2,000; third assistant, $1,950; fourth assistant, $1,900, and the fifth assistant, $1,500. Now, I do not think this is an excessive force to handle the enormous number of petty cases that are in the charge of the United States district attorney.

Mr. PERKINS. There is not much of a surplus left.

Mr. SMITH of Iowa. No surplus.

Mr. NORRIS. Mr. Chairman, I fully agree with the gentleman as far as he stated, but I would like to ask if this particular paragraph commencing with line 13—that is, fees to the amount of $23,800—is the total sum of the salary of all of the force including the Attorney-General. How do you arrive at that amount?

Mr. SMITH of Iowa. As I understand, this is simply an aggregate of the salary of $5,500 for the district attorney and the salaries of the assistants which I have read, and the salaries of the clerks, which are one at $2,300, one at $1,800, one at $1,000, one at $900, and one at $600.

Mr. NORRIS. That answers my question.

Mr. PERKINS. Does this include the other expenses of the office?

Mr. SMITH of Iowa. No; I think not.

Mr. PERKINS. What is the total fees collected by the office?

Mr. SMITH of Iowa. I can not answer you that. What the other expenses of the office are I am not informed. I think they are paid out of an appropriation for the expenses of the district attorney's office, and I do not think it is covered by this item.

The Clerk read as follows:

For payment of regular assistants to United States district attorneys, who are appointed by the Attorney-General, at a fixed annual compensation, $225,000.

Mr. STERLING. Mr. Chairman, I move to strike out the last word. In view of some letters that I have received I would like to ask the chairman of the committee if this appropriation is the same as the appropriation for last year?

Mr. SMITH of Iowa. Exactly.

Mr. TAWNEY. Mr. Chairman, in answer to the gentleman's question, I will say that recently during the consideration of the bill I was shown a letter purporting to have been written by the Attorney-General or from his office, stating in substance that certain things could not be done because the Committee on Appropriations had not allowed the increase in this appropriation, which he had estimated for. I hold in my hand a statement on page 282 of the committee print of the bill giving all of the estimates of the Department for that service from 1895 down to 1907, and also all of the appropriations, and the estimate for this year was $225,000, and the appropriation is identically the same amount. I do not know who wrote the letters. Somebody evidently was mistaken in saying that we had not allowed the amount which they had estimated. We have given them every dollar they have asked for in the annual estimates.

Mr. STERLING. That is the same letter I think that I received. I would like to ask the chairman another question. What assistant district attorneys does the Attorney-General appoint—all of them throughout the United States?

Mr. TAWNEY. My understanding is that he appoints all of them throughout the United States.

The Clerk read as follows:

For payment of assistants to the Attorney-General and to United States district attorneys employed by the Attorney-General to aid in special cases, $90,000. This appropriation shall be available also for the payment of foreign counsel employed by the Attorney-General in special cases, and such counsel shall not be required to take oath of office in accordance with section 366, Revised Statutes of the United States.

Mr. PERKINS. Mr. Chairman, I move to strike out the last word. I see that in the appropriation bill of last year the amount for extra counsel was $85,000. Was that all expended?

Mr. TAWNEY. Yes; and more, too. There was a deficiency of about $40,000.

Mr. PERKINS. Why are all these special counsel employed in addition to the force the Government has and in addition to the appropriation made for the trust cases?

Mr. TAWNEY. One of the reasons is because of the trial of the Greene-Gaynor case, which occupied, I think, about two months and a half.

Mr. BARTLETT. Three months.

Mr. TAWNEY. And the preparation of that case, of course, occupied a great deal of time.

Mr. PERKINS. Additional counsel were employed in that case?

Mr. TAWNEY. Yes; and foreign counsel were also employed in order to get them over here. Practically all of that deficiency is due to that expense.

Mr. PERKINS. So the gentleman does not think there is any wastefulness in this item.

Mr. TAWNEY. No. We went into that very fully, and interrogated them, and they gave an itemized and detailed statement of all expenditures, and we satisfied ourselves that it was entirely proper.

The Clerk read as follows:

The Attorney-General shall hereafter, under rules and regulations prescribed by him, require the clerks af the United States circuit and district courts, clerks of the Territorial courts, clerks of the United States courts for the Indian Territory, and the clerks of the United States courts in Alaska to report and account for all moneys received by them on account of or as security for fees and costs, and to report and account for all amounts collected or received by them on behalf of the United States on account of judgments, fines, forfeitures, penalties, and costs. The Attorney-General shall also hereafter require such clerks to report and account for any other moneys received by them in their official capacity, whether on behalf of the United States or otherwise, and the Attorney-General shall hereafter prescribe such docket or dockets or other books as he may deem proper to be kept and used by such clerks in recording, reporting, and accounting for moneys mentioned above in this paragraph, and in recording all fees and emoluments earned by them, which dockets or other books shall be kept and used by said clerks in accordance with rules and regulations prescribed by the Attorney-General.

Mr. JONES of Washington. Mr. Chairman, I reserve the point of order.

Mr. BENNET of New York. Mr. Chairman, I reserve the point of order.

Mr. MUDD. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from New York reserves the point of order.

Mr. TAWNEY. Mr. Chairman, I trust the gentleman from Maryland will reserve the point of order in order that the committee will have an opportunity to explain the reasons for incorporating this proposition.

Mr. BENNET of New York. I reserve the point of order, Mr. Chairman.

Mr. MUDD. Mr. Chairman, I make the point of order now.

Mr. TAWNEY. Then the gentleman evidently does not wish to have any explanation of the reason for this legislation.

Mr. MUDD. I make the point of order that it is new legislation.

The CHAIRMAN. The gentleman from Maryland has made the point of order.

Mr. SMITH of Iowa. Mr. Chairman, I want to ask the gentleman from Maryland if he will not consent to make the point of order to the portion commencing "the Attorney-General will hereafter," etc., and not make the point of order to the whole section, so as to cover the appropriation.

Mr. MUDD. I make the point of order to the whole paragraph.

The CHAIRMAN. The gentleman from Maryland makes the point of order on the entire paragraph.

Mr. MUDD. It is a change of existing law.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. SMITH of Iowa. No; except that I wish the Chair would rule on just what is the paragraph. It is our contention that the portion I requested the gentleman to limit the point of order to is the whole paragraph—that is, that the paragraph is a separate paragraph, and that the point of order does not go to the appropriation.

The CHAIRMAN. The gentleman from Maryland has made the point of order to the entire paragraph.

Mr. SMITH of Iowa. The point that is sought to be made is that the Chair is requested to determine how much constitutes the paragraph. The contention of the committee is that the appropriating portion is a separate paragraph, and that this is a further paragraph.

Mr. MUDD. Oh, Mr. Chairman, I think we will agree about that. I understand the contention of the gentleman from Iowa to be that a new paragraph begins with and including line 6.

Mr. SMITH of Iowa. That is what I asked the gentleman to be specific about, and to make his point of order only to that portion.

Mr. MUDD. I am willing to let it be understood that it goes only to that.

Mr. SMITH of Iowa. It is clearly subject to the point of order.

The CHAIRMAN. The gentleman makes the point of order. The Chair is of the opinion that the entire paragraph is subject to the point of order, and that the paragraph is the paragraph, or, in other words, down to where it is indented, which ordinarily constitutes a paragraph in an appropriation bill and in an ordinary grammar. Now, a portion of it being obnoxious to the rule, the entire paragraph goes out if the point of order is made to the paragraph. The Chair sustains the point of order.

Mr. SMITH of Kentucky. Where does the Chair hold the paragraph begins? That seems to be the real question.

The CHAIRMAN. It begins line 6, page 146, and continues to line 2, page 147.

Mr. HOAR. Mr. Chairman, I offer as a substitute for the paragraph stricken out the paragraph which I have sent to the desk to be read.

The CHAIRMAN. The gentleman from Massachusetts offers a new paragraph, which the Clerk will report.

The Clerk read as follows:

On page 147, at the end of line 2, add: "On and after October 1, 1906, no sums of money shall be payable under and by virtue of the act of Congress of June 4, 1897, providing for the revision and codification of the criminal and penal laws of the United States, and the subsequent acts of Congress of March 3, 1899, and March 3, 1901, enlarging the duties of the Commissioners appointed under said act, and the said Commission so created shall, on or before said October 1, 1906, complete the duties imposed upon them thereby, and shall present their final report thereon to the Attorney-General, in accordance with the provisions of said act, before said date, and shall turn over to the Attorney-General all papers, documents, and correspondence pertaining to the work of the Commission, and all furniture, books, etc., in their possession and employed by them in the prosecution of their duties under said appointment; and all acts and parts of acts relative to their duties, powers, and employment shall thereupon be repealed.

Mr. CRUMPACKER. Mr. Chairman, I reserve the point of order. The purpose of the amendment is to abolish the Codification Commission. I had a talk with a member of that Commission this morning, and he told me the Commission would not be prepared to make its report earlier than the 15th of December. The amendment is clearly subject to the point of order, in my judgment, and if the gentleman from Massachusetts will change the date from October 1 to December 15 next, I will withdraw the point of order, but otherwise I will be compelled to insist upon it.

Mr. KEIFER. Mr. Chairman, I insist upon the point of order.

Mr. GROSVENOR. I hope the gentleman from Massachusetts who offered the amendment will permit me to make an explanation. I believe that there is ample justification for reaching an end of this Commission, but I think it ought to be done in the most satisfactory way possible to reach the end intended by its original organization. Now, between October 1, when Congress will not be in session, and the 15th of December, when Congress will be in session, is a matter of two and a half months of time, and so far as I am concerned I am perfectly willing to concede and waive any question of order if that date can be fixed. I was going to propose the 1st of January, but inasmuch as the gentleman from Indiana has stated the 15th of December, I am perfectly willing to accept that proposition——

Mr. PERKINS. I can not hear what the gentleman from Ohio is saying.

Mr. GROSVENOR. I was proposing simply this: The amendment as proposed by the gentleman from Massachusetts, which is the 1st of October, and I propose to make it the 15th of December, when Congress will be in session, and then I would provide for turning over all the material on hand, and I think it is fair to take the statement of the Commission itself which I have in my hand, that it will be unable to finish its work satisfactorily as early as the 1st of October, and on reflection it will be seen, I think, by any Member of Congress if we adjourn here not earlier than about the 1st of July, in the middle of the hot weather, we could not expect a great deal of work to be done.

Mr. BARTLETT. What date does he propose to substitute for October 1? I did not hear.

Mr. GROSVENOR. The date proposed by the amendment is the 1st of October.

Mr. BARTLETT. What date do you suggest?

Mr. GROSVENOR. And the gentleman from Indiana [Mr. CRUMPACKER] has suggested the 15th of December, with which I am content.

Mr. BARTLETT. So am I.

Mr. SMITH of Kentucky. Well, agree to that.

Mr. HOAR. I am content to accept the date on behalf of the Committee of Revision of the Laws suggested by the gentleman, and while I do that I ought to state to the House, in justice to the Committee on Revision of the Laws, that the chairman of the Commission came before the Committee on Revision of the Laws and stated they could complete their work in sixty days from the 1st of July, which would bring the date to the 1st of September, and the Committee on Revision of the Laws went over very carefully the condition of the work of the Commission and was satisfied that their date which they then fixed was accurate. But the most important thing is to have the work of the Commission ended, and the expense connected with the Commission cease as a public charge on the Treasury. And therefore I am content, because I believe this legislation is of great moment and great importance to the country, to accept the date of the 15th of December.

Mr. KEIFER. I would like the gentleman who offered this amendment to state whether the index or any considerable part of it is complete.

Mr. HOAR. The chairman of the Commission asserts that an index is more than half completed, or can be easily completed by the Commission by the 15th day of December. If this is not true, the little work that will be necessary to complete the index can be done at an infinitely cheaper cost to the Government than to maintain three Commissioners each at a salary of $5,000 a year, each having their separate and private clerk, and also a general clerk of the Commission. The work, in my opinion, can be finished by the 1st day of October and the index practically completed, but I am content to accept the date that has been mentioned.

Mr. KEIFER. The revision can not be indexed until it is completed by Congress. There is force in what the gentleman from Massachusetts says about its having to be completed later on, but the Commission has been charged with the matter of preparing an index and has to a considerable extent performed that work, and it is engaged now, I understand, in trying to index its own work. But I beg to say, Mr. Chairman, as I understand it, this Commission, in its work of revision, has been undertaking to make laws and unmake them, and I am afraid some of the younger men here will be as gray as I am before Congress adopts this revision. It is the fault of the law that authorizes them to undertake to revise our statutes and the work of Congress. Many sections of existing law have been omitted and may important provisions have been added, according to the notion of one or more members of this Commission, and I do not believe that, considering the state that the revision is in, we are likely to do very much in the direction of adopting the revision of the Commission. I will be content if the amendment is so modified as to fix the termination of the Commission on the 15th of December next.

Mr. GROSVENOR. If the gentleman from Ohio will allow me an interruption, I will say that I have had the same feeling that he has had about what seemed to me to be a usurpation on the part of this Commission in the matter of changing the existing statutes of the United States and introducing into the body of the statutes an absolutely new provision. Not very long ago there came to my knowledge—I do not care to speak of what it was—the fact that into one of the chapters there has been inserted a measure that afterwards made its appearance here in the House of Representatives and was overwhelmingly defeated by a vote of the House. I called the attention of the chairman of that Commission to that fact and to the other facts connected with this action of theirs, and he cited me the statute under which they were created; and while it seems to justify what they have done, I doubt very much whether they have not put a rather forced construction upon the statute itself. This is the statute under which they were appointed.

Amend the imperfections of the original text; and may propose and embody in such revision *changes in the substance of existing law.*

In order to justify some of the things which they have done, you must construe that language, "changes in the substance of existing law" so as to read, "to provide new substantive legislation." I am sure the Commission has put a very erroneous construction upon that provision, and if they have not, then the act in that regard is clearly unconstitutional. This Commission is not a Congress.

Clearly they had no such power. One word further. Coming to the particular section of the statute about which I complain, I learned to my utter amazement that it was drawn in the Attorney-General's Office and carried to the codifying Commission, and they were requested by the Attorney-General to put it into the statute.

Mr. KEIFER. Mr. Chairman, I only wish to add that I think that when we are through with this Commission that we will want another codifying commission in order to codify their work and to revise it in conformity with existing law.

Mr. CRUMPACKER. I suggest that the gentleman from Massachusetts modify his amendment and I will withdraw the point of order.

Mr. HOAR. Mr. Chairman, I ask that the date be changed in the two places reading October 1 by substituting therefor December 15.

The CHAIRMAN. The gentleman from Massachusetts offers a modification of the amendment, which the Clerk will report.

The Clerk read as follows:

On page 147, at the end of line 2, add: "On and after December 15, 1906, no sums of money shall be payable under and by virtue of the act of Congress of June 4, 1907, providing for the revision and codification of the criminal and penal laws of the United States and the subsequent acts of Congress of March 3, 1899, and March 3, 1901, enlarging the duties of the Commissioners appointed under said act, and the said Commission so created shall, on or before said December 15, 1906, complete the duties imposed upon them thereby, and shall present their final report thereon to the Attorney-General in accordance with the provisions of said act before said date, and shall turn over to the Attorney-General all papers, documents, and correspondence pertaining to the work of the Commission, and all furniture, books, etc., in their possession and employed by them in the prosecution of their duties under said appointment, and all acts and parts of acts relative to their duties, powers, and employment shall thereupon be repealed.

Mr. CRUMPACKER. Mr. Chairman, I withdraw the point of order.

Mr. TAWNEY. Mr. Chairman, I move that all debate upon this amendment be now closed.

Mr. BARTLETT. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARTLETT. It was impossible to hear what was said, and I want to know the status of the amendment. Something has been read. Is that a substitute for the former amendment?

The CHAIRMAN. The Chair will inform the gentleman, that after the paragraph went out on a point of order the gentleman from Massachusetts offered a new paragraph.

Mr. BARTLETT. I understand that.

The CHAIRMAN. Debate has been had upon that; the point of order was reserved to the new paragraph by the gentleman from Indiana, and that has been withdrawn.

Mr. BARTLETT. What is the date fixed by the amendment?

The CHAIRMAN. The 15th day of December. [Cries of "Vote!"] The question is on the motion that debate be now closed.

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

The CHAIRMAN. The question now is on the new paragraph, offered by the gentleman from Massachusetts.

Mr. LILLEY of Pennsylvania. Can the amendment be again reported?

The CHAIRMAN. It has been reported three times, but if there be no objection it will be reported again.

Mr. TAWNEY. I object.

The CHAIRMAN. Objection is made.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Hereafter United States commissioners shall be entitled to charge for drawing complaint for search warrant, with oath and jurat to same, 50 cents; and for issuing search warrant, 75 cents.

Mr. MUDD. Mr. Chairman, I make the point of order against that paragraph that it changes existing law.

The CHAIRMAN. The gentleman from Maryland makes the point of order against the paragraph just read.

Mr. TAWNEY. Mr. Chairman, this provision was put into the bill upon the recommendation of the Attorney-General to put a stop to an abuse that exists to-day. If the gentleman from Maryland makes the point of order, it will have to go out.

The CHAIRMAN. The gentleman makes the point of order. The Chair sustains the point of order.

The Clerk read as follows:

Hereafter a United States commissioner shall be allowed the fee for making a transcript only when he holds an examination as provided by section 1014, Revised Statutes of the United States, and no such fee shall be allowed for a transcript of proceedings under section 1042, Revised Statutes of the United States: *Provided further,* That hereafter the application of a poor convict for discharge under section 1042, Revised Statutes of the United States, shall be made to the United States commissioner nearest the place of confinement.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, during the general debate at the opening of the consideration of this bill the gentleman from Massachusetts [Mr. SULLIVAN] criticised the action of the Secretary of Agriculture, Hon. James Wilson, in connection with the buildings for which this proposed appropriation is to be made. I want to say at the outset that, in my judgment, the Secretary of Agri-

culture's construction of the statute under which he is constructing this building is an erroneous one. I do not believe that the statute authorizing the construction of a building for the Department of Agriculture authorized the construction of the two buildings now in course of construction.

But if I understood the gentleman from Massachusetts correctly, he not only charged that an erroneous construction had been put upon the statute, but charged that the Secretary of Agriculture had intentionally acted illegally. From that proposition I must dissent. The Secretary of Agriculture has been a citizen of Iowa for more than fifty years; and from the hour that he became a citizen of that State there has never been, so far as I know, a man between the Mississippi and the Missouri rivers who doubted his honesty of purpose or the integrity of his conduct. The Secretary of Agriculture came to his present office with a higher training than any man that ever filled that position. We have had able men fill the office of Secretary of Agriculture, but never had a man before who, through a long course of years, had received special training for that place. He had long been a member of the faculty of one of the largest and best agricultural colleges on the continent. He came to his present high office with extraordinary training and has filled it with extraordinary credit; and it is my judgment that in the last eight years there has been no more popular member of the Cabinet than sterling old James Wilson, Secretary of Agriculture of the United States. [Loud applause.]

I regret that there is any doubt as to the buildings conforming to the true construction of the law authorizing them; but I have no doubt of the high purpose which led the Secretary of Agriculture to enter upon the construction of those buildings. I am prepared to go even further than that, and say that, in my judgment, the act we passed was a mistake, and that the buildings that are being erected will be, when completed, for the best. I do not think a building constructed strictly in accordance with the statute would have been adequate for the public needs. In any event, these buildings have had appropriated for them more than $900,000, and there is but one course for us to pursue, from a business standpoint, and that is to proceed to finish the buildings as they have been started on the present plan.

I was glad that the distinguished gentleman from Massachusetts was at least generous enough to doubt whether the Secretary of Agriculture had intentionally and upon his own motion started the erection of these buildings in violation of law. I have no information upon that subject. I do not know whether he was encouraged to erect the buildings that he is now constructing by some one above him or not.

I do know that the law imposed upon him a responsibility, and that James Wilson is too courageous and too loyal to try and unload that responsibility upon any other human being, whoever he may be. [Applause.] Twenty-one years ago last spring U. S. Grant was writing his memoirs, at a time when his very life was being eaten away; but he was poor, and he was struggling on in the hope that the product of his literary labor might support his family when he was gone. At that time, when he was displaying more of heroism than he ever displayed upon any battlefield of the civil war, a bill was pending in the Congress of the United States to put him upon the retired list of the Army. While that bill was pending here for his retirement, there was also pending a contest for the purpose of unseating, as a member of this Chamber, this same James Wilson, of Iowa. Under the rules then in force a filibuster was going on to prevent his being unseated. At last, realizing that if that filibuster were continued to save him, the bill for the retirement of U. S. Grant could not pass in that Congress, which was then drawing to a close, James Wilson stood upon a desk in the rear of where I now stand and appealed to his Republican brethren to allow him to be sacrificed and cast out of this House that U. S. Grant might be placed upon the retired list, and thus hope and joy be carried to the patient sufferer at Mount Macgregor. [Applause.]

The same devotion to his friend, the same loyalty to his duty, the same willingness to sacrifice himself for others, has always characterized plain James Wilson, the Secretary of Agriculture of the United States, who, whatever may have been his mistakes in this matter, has done his duty as he saw it, and has not tried to unload responsibility upon anybody else. [Applause.]

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I move to strike out the last word. I think the matter has been fully discussed, and I do not want to add anything to what I said the other day, except this single comment, that the speech of the gentleman from Iowa [Mr. SMITH] amounts to this, that the Secretary has violated the law, but that his heart beats warmly for his country. [Laughter.]

The CHAIRMAN. If there be no objection, the pro forma amendment will be withdrawn.

The Clerk read as follows:

DEPARTMENT OF STATE.

To pay Robert Brent Mosher for use of his plates in printing, for the use of Congress, 1,500 copies of the Executive Register of the United States, 1789 to 1902, $1,000.

Mr. SLAYDEN. Mr. Chairman, I make the point of order against that paragraph.

The CHAIRMAN. Does the gentleman desire to discuss the point of order?

Mr. SLAYDEN. Only to state that it is new legislation and a claim, and I can not see that it has any proper place in this bill any more than other claims recommended for payment by the various Departments.

The CHAIRMAN. Does the gentleman from Iowa desire to be heard on the matter?

Mr. SMITH of Iowa. As I understand it, this is not a claim; this is a proposition to appropriate money.

Mr. SLAYDEN. The gentleman will admit it is new legislation, and not warranted by law anywhere.

Mr. SMITH of Iowa. I think there has been an authorization for the printing of the book in some form, and, as I understand it, the plates were borrowed in place of making new ones, and thus obtained at a less cost than they would have been obtained if we had made new ones.

The CHAIRMAN. Will the gentleman from Iowa inform the Chair whether there is any authorization in law for the payment of this item?

Mr. SMITH of Iowa. I have just stated, Mr. Chairman, that as I understand it, the publication of the work was authorized. It had been compiled by this gentleman, and his plates were borrowed in place of making new ones. There is no further authorization than that.

The CHAIRMAN. The Chair is of the opinion that if this item can go in any bill, it properly belongs on the deficiency bill under the law and not in this bill. The Chair sustains the point of order.

The Clerk read as follows:

Committee on Department Methods: For actual traveling expenses, and for per diem not exceeding $4, in lieu of subsistence when absent from home and traveling on duty outside of the District of Columbia, of members of and persons employed by the Committee on Department Methods appointed by the President June 2, 1905, and for other necessary expenses of said committee, including not exceeding $5,000 for salaries or compensation of persons not otherwise employed by the United States, $25,000. No part of this appropriation shall be paid as additional salary or compensation to any person serving in connection with or for said committee who is at the same time employed in any capacity by the United States: *Provided*, That there shall be reimbursed out of this appropriation to the reclamation fund any sum that may be paid to persons in the reclamation service while they are on detail to and in the service of said committee.

Mr. SIMS. Mr. Chairman, I make the point of order on this whole paragraph.

The CHAIRMAN. The gentleman from Tennessee makes the point of order upon the paragraph.

Mr. SIMS. Mr. Chairman, I am not complaining at the work of the Keep Commission, but its work is the investigation of Department methods, and the Departments being all located in Washington City, I can not understand why we should provide for traveling expenses.

Mr. TAWNEY. The gentleman makes the point of order. There is no use discussing the matter.

The CHAIRMAN. Does the gentleman from Tennessee make the point of order or reserve it?

Mr. SIMS. I will reserve it for the purpose of hearing the gentleman from Minnesota.

Mr. TAWNEY. I will explain to the gentleman that this appropriation has been allotted for traveling expenses, to defray the expenses of specialists or experts in and outside of the Departments to visit large manufacturing and industrial institutions for the purpose of studying their methods of bookkeeping and management, in order, if possible, to improve the governmental methods, or modernize them and make them conform as nearly as practicable to the methods employed to-day by the large institutions of the country.

Now, to send these men out for that purpose will require travel, and of course their traveling expenses must be provided for. In addition to that, there are men employed in the Reclamation Service whom the Commission will utilize, men who are out in the field for the purpose of studying the business methods in local land offices—other portions of the public service—and it is for the purpose of defraying the traveling expenses of all the men sent out for these purposes, and for the purpose of gaining information concerning the best methods employed in the larger industrial institutions in the United States.

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

Mr. TAWNEY. Yes.

Mr. BRUNDIDGE. This is an appropriation for the Keep committee. Is there any law authorizing the President to appoint the committee in the first place, and was not the appointment absolutely unwarranted and without any law enacted by Congress?

Mr. TAWNEY. No; the appointment of this Commission was not an illegal appointment.

Mr. BRUNDIDGE. Where is the law authorizing it?

Mr. TAWNEY. The people appointed on this Commission are the employees of the Government. They are in the service of the Government, and they are simply assigned to do this additional work.

Mr. BRUNDIDGE. Is it not the fact that some of them are not in the employ of the Government?

Mr. TAWNEY. No; only employees of the Government were appointed on the Keep Commission. The hearings disclosed that fact. The committee inquired very carefully into this matter.

Mr. PADGETT. Will the gentleman yield?

Mr. TAWNEY. I am using the time of the gentleman from Tennessee, not my own.

Mr. PADGETT. I want to ask if this is only a temporary appropriation?

Mr. TAWNEY. It is only an annual appropriation.

Mr. PADGETT. How many years is it contemplated to run it?

Mr. PERKINS. Nobody can say.

Mr. SULLIVAN of Massachusetts. Until the committee cleans up the Augean stables.

Mr. PADGETT. I want to ask the chairman of the committee how long it is contemplated the Commission will be in force?

Mr. TAWNEY. The gentleman from Massachusetts has answered it so well I will not undertake to improve it. [Laughter.]

Mr. SIMS. I want to know if the gentleman thinks that the Departments are Augean stables? Mr. Chairman, I made the point of order, or reserved it, but I have no criticism to make on the Keep Commission. They may go on and do more good work. I never knew a commission that did not make a report that they had earned their salaries. But are our Departments in such a deplorable condition that we have got to appoint special men, experts, and then have got to send them——

Mr. TAWNEY. If the gentleman will permit me, I want to make one further statement. There is nobody on this Commission who is getting any salary in consideration of the service that he is rendering.

Mr. LITTLEFIELD. In excess of his regular salary, the gentleman means.

Mr. TAWNEY. In excess or beyond his regular salary. It is not because there is any corruption in the Departments that this investigation is being made. It is for the purpose of investigating the various methods employed in the Departments of the Government with a view to simplifying those methods, making them more efficient and simple and less expensive, and in doing that it is necessary for these men to go outside the city of Washington, because the governmental service is not confined to the District of Columbia. In order to guard against their receiving too much for traveling expenses we have limited the amount that can be expended for this purpose to $5,000.

Mr. SIMS. Mr. Chairman, I say that I am not complaining of the work of the Keep Commission. From what I know I think they have done some good work, of which I heartily approve. But I think that Congress ought to do this investigating, ascertaining these methods by a committee of this Congress either the committee that the gentleman has the honor to so ably preside over or a special committee. Here is appointed a commission of experts from the Treasury Department, and now we are going to provide $25,000 for these experts to travel over the country and inform themselves of methods of private institutions, that they may become educated at the Government's expense, as appears from the statements of the chairman of the committee reporting the bill, and inform Congress of what improvements can be made in the Department methods by reason of such junketing.

Mr. PERKINS. Doesn't the gentleman think that if we have experts that they ought to give valuable opinions without traveling over the country?

Mr. SIMS. The word "expert" implies that they are already able to give advice. To go junketing around over the country at public expense in order to investigate the methods of private institutions does not seem to me wise. A commission usually is at least half like Melchisedec, it has beginning of days, but usually has no end of years. [Laughter and applause.]

Mr. LITTLEFIELD. May I ask the gentleman a question?

Mr. SIMS. Certainly.

Mr. LITTLEFIELD. I would like to ask the gentleman which he thinks is the most valuable way to obtain the information in this matter, to investigate the subject-matter or to theorize about it?

Mr. SIMS. I would have a practical investigation.

Mr. LITTLEFIELD. Exactly so. That is what this provides for.

Mr. SIMS. And I think Congress is able, through its committees, to make such a practical investigation as will enable it to adopt the best practical department methods.

Mr. LITTLEFIELD. If I get the scope of the subject we are discussing, that is what the bill provides for, a practical investigation and examination for the purpose of getting some information that is of value.

Mr. SIMS. By a commission.

Mr. LITTLEFIELD. I don't know what it is by.

Mr. SIMS. To be sent out to be educated.

Mr. TAWNEY. Oh, the gentleman certainly did not understand me that they were sent out to be educated.

Mr. SIMS. To investigate methods of private concerns. Isn't that educating them?

Mr. TAWNEY. It is not educating the men who are sent out.

Mr. SIMS. What is it for?

Mr. TAWNEY. It is for the purpose of ascertaining methods, with a view of adopting them and applying them to the administrative Departments of the Government. The gentleman can not claim it is the educating of the men who go out. How will you obtain information concerning the practical administration of a great industrial corporation unless you send some one there for it?

Mr. SIMS. What is education? It is only learning something that we do not know, and you are sending out a commission to learn that which they do not know in order that they may obtain information and give it to Congress or to the Departments.

Mr. TAWNEY. I presume there are 386 Members of this House who could be sent out for the same purpose, and the education that they would derive would be of value to the country.

Mr. SIMS. No doubt of it; but let Congress do it by a committee, because the life of a Congress ends every two years; but as for a commission, look at the discussion that we have had here this morning about our various commissions. They seem never to get through when they begin a job. We seem to admit by appointing this commission that the Departments are in a bad way and need investigation, and, without criticising anything they have done, I do not indorse making appropriations for traveling expenses when all the Departments are in Washington. I make the point of order and I insist upon it.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I hope the gentleman will reserve his point of order for a moment.

Mr. SIMS. I reserve the point of order for a few minutes.

Mr. PERKINS. Oh, make the point of order and get done with it.

Mr. TAWNEY. If the gentleman intends to make the point of order, let him make it now.

Mr. SULLIVAN of Massachusetts. I trust the gentleman will withdraw his point of order, because I think, while his intention is good, he overestimates the ability of a committee of Congress to reach the abuses of the kind that are sought to be remedied by this commission. I have seen the manner in which Congress acts upon such matters, and I am not inspired with confidence in the results of investigations by Congressional committees. We had an experience this morning. The Committee on Appropriations sought to remedy abuses that are recognized to exist in the offices of clerks of courts of the United States. Large funds accumulate in their hands, and they are not required by law to make any accounting to the Attorney-General. There is no way by which the amount in their hands could be ascertained, and in order to remedy that defect in that system the committee inserted in its bill a provision requiring an accounting to the Attorney-General, whereupon an enterprising gentleman, a Member from Maryland, looking after his own clerk of his own court, made a point of order the result of which is to continue that abuse. I will say that I have no faith in committees of Congress dealing with abuses of this kind. I think the Administration was fully conscious of the extent of bad administration in the city of Washington and elsewhere when it first suggested this Keep Commission.

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

Mr. SULLIVAN of Massachusetts. Yes.

Mr. PERKINS. Wherein is the necessity of the Keep Commission sending people all over the country to find out how different concerns keep their books? Why can not the Keep Commission, if competent, continue this work in Washington, as it has gone on and done? The objection made is not to the Keep Commission, but to sending a lot of people around the country to find out how books are kept by different corporations.

Mr. SULLIVAN of Massachusetts. Oh, no.

Mr. PERKINS. That is where the expense comes in.

Mr. SULLIVAN of Massachusetts. I think the gentleman is mistaken as to the intention of the Commission.

Mr. PERKINS. No; the intention of the appropriation.

Mr. SULLIVAN of Massachusetts. The Keep Commission, as I understand it, is made up of men who are now in the Government employ. They understand the methods of their Departments. It is because of their expert knowledge of Government methods that they are of value. It is true that they are empowered to hire experts to assist them, in giving advice, and it is true they may send agents of the various Departments of the Government throughout the United States. It is not the primary purpose of the Commission to investigate the manner in which private corporations do their business, but only incidentally and in a very small degree. The main purpose of the work is to try to bring the administration of the Government's business up to the level of efficiency of the great corporations and business concerns of the United States. Now, when the Administration seeks to deal with an acknowledged abuse, an abuse which has grown up under a Republican Administration, it seems to me that Members upon this side of the House ought to welcome the suggestion and ought to encourage the reform. I am aware that there is no sanction of law for it, but if the point of order is withdrawn the sanction of law will be given it by the passage of this bill. I have no doubt that members of this Commission, who have already been investigating, have found that horrors have been accumulating upon horror's head in various Departments. It is to remedy a situation, which a Republican President acknowledges to be a bad one, that this Commission is sought to be established.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. SIMS. I wish to ask the gentleman from Massachusetts a question. The gentleman is proceeding upon the assumption that grave abuses exist, and the chairman of the committee denies the abuses, but simply wants to improve the methods.

Mr. SULLIVAN of Massachusetts. I understand the denial of the chairman of the committee only went to the corruption which was suggested and not to the bad business methods of the administration.

Mr. LITTLEFIELD. Is it not a fact that up to date this Commission has accomplished extremely valuable results to the Government?

Mr. SULLIVAN of Massachusetts. Yes; the committee is of the unanimous opinion it ought to be allowed to go on.

Mr. SIMS. My point of order does not abolish the Commission; it simply prevents an appropriation for traveling beyond Washington City. They can go ahead in their work. All the good that has been done has been done here in Washington City.

Mr. LITTLEFIELD. I beg the pardon of the gentleman; his amendment goes further than that. You simply leave the Keep Commission where they can not spend a dollar and prevent their further investigation. Is not that right?

Mr. SULLIVAN of Massachusetts. That is practically right.

Mr. SIMS. They have not spent anything so far in their valuable investigations.

Mr. LITTLEFIELD. They did not need to.

Mr. SULLIVAN of Massachusetts. I understand all their investigations have been conducted at Washington so far, and there was no requirement for travel.

Mr. SIMS. The good work has been done so far without any Congressional appropriation, except the salaries of the men, which are not increased by this amendment.

Mr. LITTLEFIELD. And a unanimous committee of Republicans and Democrats say in order to continue the usefulness and efficiency of this Commission this appropriation ought to be made, and the gentleman makes a point of order against it; otherwise the Commission would have to pay their traveling expenses out of their own pockets.

Mr. SIMS. Mr. Chairman, the assumption of the gentleman from Maine is they must travel in order to keep up the good work. They have not traveled heretofore, and they have done a great deal of good work, as I understand from the gentleman, and I am perfectly willing they shall keep up their good work without traveling; so I make and insist upon the point of order.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. SIMS. Yes, sir; to the paragraph.

The CHAIRMAN. Is the Chair correct in assuming that no law has been cited?

Mr. TAWNEY. No, Mr. Chairman, there is no statutory authority for the Commission. The Commission has been appointed by the President of the United States, but it is limited to employees of the Government, and therefore needed no special statutory authority. The President simply assigned to these employees of the Government the duty of investigating the departmental methods, with a view to improving those methods. This appropriation is for the purpose of employing experts outside of the Government service, for which there is no authority of law, I concede, but the employment of which is very essential in order to render the Commission efficient.

The CHAIRMAN. The merits of the proposition are all right, but the leading authority seems to be wanting.

Mr. TAWNEY. There is no authority.

The CHAIRMAN. The Chair sustains the point of order.

Mr. TAWNEY. There is one matter that I want to refer to. The gentleman from Illinois this morning asked me in respect to the appropriation for the salaries of assistant United States district attorneys. I stated that the committee had reported and allowed the full amount estimated by the Department, which was $225,000. My attention has just been called to the fact that the Attorney-General sent a supplemental estimate to Congress, but in some way it escaped the attention of the committee in making up the bill; and I was incorrect, therefore, in saying that we had allowed the full amount estimated by the Department for this purpose. I now ask unanimous consent to return to that item for the purpose of offering an amendment and increasing the appropriation to the amount estimated by the Attorney-General.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent to return to a paragraph which has been passed.

Mr. GAINES of West Virginia. The paragraph is found on page 145.

Mr. TAWNEY. I want to say, Mr. Chairman, that we gave the full amount included in the annual estimate. This simply illustrates the necessity of some law requiring the Departments to submit in the Book of Annual Estimates the estimates for the entire service for the next fiscal year. There is no excuse for their not doing so, but they don't. The Committee on Appropriations had in the neighborhood of 100 supplemental estimates for this sundry civil appropriation bill, aggregating about $32,000,000. These supplemental estimates kept coming in from the time we commenced the consideration of this bill until we had finally completed it. And the same is true of all other branches of the Government. Supplemental estimates are sent here. It is to be hoped that Congress will soon enact a law that will require all the estimates to be included in the Book of Estimates, except estimates that are necessary by reason of the enactment of laws during the session of Congress for which the annual estimates have been submitted.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. TAWNEY. Mr. Chairman, I ask that the amount be increased from $225,000 to $250,000, on page 145, lines 18 and 19.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 145, change the amount in lines 18 and 19 to $250,000.

The CHAIRMAN. The question is on the adoption of the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the CONGRESSIONAL RECORD, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, and the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments; for salaries, compensation, or wages of all necessary clerks and employees; for the purchase and installation of, and instruction in, cost, audit, and inventory systems; for rents, fuel, gas, electric current, gas and electric fixtures, and ice; for bicycles, horses, wagons, and harness, and the care, driving, and subsistence of the same, to be used only for official purposes, including the purchase, maintenance, and driving of horses and vehicles for official use of officers of the Government Printing Office when in writing ordered by the Public Printer; for freight, expressage, telegraph and telephone service; for furniture, typewriters, and carpets; for traveling expenses, stationery, postage, and advertising; for directories, technical books, and books of reference, not exceeding $500; for add-

ing and numbering machines, time stamps, and other machines of similar character; for repairs; for other necessary contingent and miscellaneous items authorized by the Public Printer; and for all necessary materials needed in the prosecution of the work, $5,000,000; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely——

Mr. TAWNEY. Mr. Chairman, I offer the following as a substitute.

The CHAIRMAN. The Clerk has not yet finished the reading of the paragraph.

Mr. TAWNEY. He has finished the reading of the first paragraph, and I ask unanimous consent to substitute what I have sent to the Clerk's desk and ask to be read, for the whole of the paragraph on public printing.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent to dispense with the reading of the paragraph.

Mr. TAWNEY. To dispense with the reading of the paragraph and ask that the matter sent to the desk be read, and that it be substituted for the other paragraph in respect to the printing.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] offers the following, which the Clerk will report.

The Clerk read as follows:

Strike out all after line 9, on page 160, together with pages 161 and 162, and line 1, on page 163, and insert in lieu of the matter stricken out the following:

"For printing and binding for Congress, including the proceedings and debates, and for rents, $1,998,500. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress within the fiscal year for which this appropriation is made.

"For the Department of State, $42,000.

"For the Treasury Department, $325,000: *Provided*, That no part of this sum shall be expended for the publication of the Catalogue of Title Entries of the Copyright Office.

"For the War Department, $275,000.

"For the Navy Department, $153,000, including not exceeding $15,000 for the Hydrographic Office.

"For the Interior Department, including not exceeding $25,000 for the Civil Service Commission, and not exceeding $20,000 for the publication of the Annual Report of the Commissioner of Education, $487,000.

"For the Smithsonian Institution, for printing and binding the Annual Reports of the Board of Regents, with general appendixes, $10,000; under the Smithsonian Institution, for the Annual Reports of the National Museum, with general appendixes, and for the Annual Report of the American Historical Association, and for printing labels and blanks, and for the Bulletins and Proceedings of the National Museum, the editions of which shall not exceed 4,000 copies, and binding, in half turkey or material not more expensive, scientific books and pamphlets presented to and acquired by the National Museum Library, $39,000; for the Annual Reports and Bulletins of the Bureau of American Ethnology, $21,000; in all, $70,000.

"For the United States Geological Survey, as follows: For engraving the illustrations necessary for the Annual Report of the Director, and for the monographs, professional papers, bulletins, water-supply papers, and the Report on Mineral Resources, $45,000. For printing and binding the Annual Report of the Director, the monographs, professional papers, bulletins, water-supply papers, and the Report on Mineral Resources, $145,000; and said amounts shall cover all printing and binding on account of said publications of the Geological Survey.

"For the Department of Justice, $23,000.

"For the Post-Office Department, exclusive of the Money-Order Office, $335,000.

"For the Department of Agriculture, including not to exceed $25,000 for the Weather Bureau, and including the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, $300,000.

"For the Department of Commerce and Labor, including the Bureau of the Census and the Coast and Geodetic Survey, $500,000.

"For the Supreme Court of the United States, $10,000; and the printing for the Supreme Court shall be done by the printer it may employ, unless it shall otherwise order.

"For the supreme court of the District of Columbia, $1,500.

"For the Court of Claims, $15,000.

"For the Library of Congress, including the copyright department and the publication of the Catalogue of Title Entries of the Copyright Office, and binding, rebinding, and repairing of library books, $205,000.

"For the Executive Office, $2,000.

"For the Interstate Commerce Commission, $58,000.

"For the Bureau of American Republics, $20,000."

Mr. MANN. I reserve the point of order, Mr. Chairman, and submit an inquiry to see whether the paragraph is subject to the point of order or not. I do not know that I will press the point of order, but I wish to ask the gentleman a question, if I may have the floor. You struck out that part of page 160, printing and binding for Congress. That is in the substitute.

Mr. TAWNEY. Yes, sir.

Mr. MANN. Then you provide in the next paragraph that no more than one-half of the allotment of the sum appropriated shall be expended in the first two quarters of the fiscal year. Now, in this next fiscal year, Congress will be in session one month——

Mr. TAWNEY. That provision has been carried in the bill for the last twenty-four years, and is in now.

Mr. MANN. I think the gentleman is in error in saying that it has been carried in the law for twenty-four years; but whether it has or not, I would like to know what is the object in making the appropriation sufficiently large, so that only one-half of it is going to be used? It is perfectly plain that, according to this, you can not use the whole appropriation. I simply ask for information.

Mr. TAWNEY. Why, the gentleman surely does not think that we restrict them to only one-half of the amount appropriated? We restrict them to an expenditure not exceeding one-half of the appropriation during the first half of that fiscal year, so as to prevent them going on and expending all the appropriation in the first half and then coming in at the beginning of the next Congress with a deficiency.

Mr. BARTLETT. May I ask the gentleman a question in the time of the gentleman from Illinois?

Mr. MANN. Certainly.

Mr. BARTLETT. Does this amendment make any change in the public printing law of 1895?

Mr. TAWNEY. It does not. Now, if the gentleman will pardon me, and if the committee will give their attention a moment——

Mr. BARTLETT. If the gentleman will yield a moment until I ask him another question, then the gentleman can answer both. Does this amendment or substitute you have offered contain the provisions that are on page 167 and page 168, which provided that all the printing for the Departments shall be printed in the Government Printing Office in place of the Departments where they are now doing the printing? If it does, I want to make the point of order.

Mr. TAWNEY. It does not. This is an appropriation to pay for the printing that is done for the Departments, whether it is done in the Departments or in the Government Printing Office.

Mr. BARTLETT. That is satisfactory to me.

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out the last word, in order to get some information.

Mr. TAWNEY. Well, I have the floor; if you ask a question, I will try to answer it.

The CHAIRMAN. The Chair begs pardon of the gentleman. The Chair thought the gentleman was through, and had yielded the floor.

Mr. CLARK of Missouri. I would just as lief ask the questions in his time as not. Is the sum total for the Printing Office less or more than last year?

Mr. TAWNEY. A little more than a million dollars less.

Mr. CLARK of Missouri. Does it say that all printing done by the Government in Washington shall be done in the Government Printing Office?

Mr. TAWNEY. If the gentleman from Missouri will see to it that no point of order is made against it and the provision carried in this bill is enacted into law, that is what will happen in thirty or sixty days after this bill is passed.

Mr. CLARK of Missouri. So far as I am concerned, there will be no point of order, because that is where it ought to be done. Now, another question. My recollection is that the chairman of the Committee on Appropriations made a furious fight a year or so ago, and several other gentlemen, too, and I stood by consenting——

Mr. TAWNEY. I never made a furious fight in my life.

Mr. CLARK of Missouri (continuing). Shutting off these Departments from having private carriages to run about Washington. Was not that true?

Mr. TAWNEY. That is the law now.

Mr. CLARK of Missouri. Did you not do that?

Mr. TAWNEY. That was the gentleman from Indiana. I would not take any credit that belongs to my friend from Indiana [Mr. CHARLES B. LANDIS].

Mr. CLARK of Missouri. Let me ask you this question, then. Has not this Government Printing Office had three station wagons made, and printed the name of the Department so low and in such a small type that nobody can readily distinguish it, for the purpose of using them as their private property to run around Washington and visit socially?

Mr. TAWNEY. I am not advised as to that.

Mr. CLARK of Missouri. Why are you not advised?

Mr. TAWNEY. Because the suggestion was never made. If it had been made, I am certain that the committee would have interrogated the Public Printer about it when before the committee.

Mr. CLARK of Missouri. I make it now, so that you may get at it at some other time.

Mr. TAWNEY. All right, we will be very glad to do it.

Mr. CLARK of Missouri. There has been a great deal of talk about reform in the Printing Office, and my distinguished friend from Indiana [Mr. CHARLES B. LANDIS] and my distinguished friend from Georgia [Mr. GRIGGS] and others have been engaged in that arduous occupation, and I want to ask you a question in reference to it.

Mr. TAWNEY. Before proceeding to ask a question relating generally to the Printing Office, I want to make a statement regarding these appropriations, or the allotment that has been made, so that Members may understand it. I have offered a substitute, and I want the committee to understand just what the effect of it is, and how we came to offer it.

Mr. CLARK of Missouri. If you will let me ask you one question I will let you alone.

Is it not true, in this reform administration down there, that they have created these offices, new offices—a chief inspector, at $3,600 a year; two assistant inspectors, at $2,000 each; one female inspector, at a salary estimated at $900; one Office physician, $2,000; one assistant Office physician, at a salary estimated at $1,400; one statistician, at $2,000; two additional stenographers and typewriters, at $1,200 each; four additional assistant stenographers and typewriters, at $900 each; making an aggregate in expense in the Printing Office at $19,900 a year?

Mr. TAWNEY. I will say, in reply to the gentleman, that men have been appointed to these positions by the Public Printer, and under the law during this current year he has $6,000,000 in a lump-sum appropriation, which is distributed in his discretion and according to his best judgment in the employment of mechanics and laborers and persons in any branch of the service requiring employment. I will say further that it is my belief that if these positions had been created before, and if the services that are performed by the men now occupying these positions had been performed years before, the expenditure in the Public Printing Office would have been much less than they have been. I want to add that at the end of this fiscal year the Public Printer will turn back into the Treasury of the United States, $1,000,000, 100 per cent more than has ever been turned back by any one of his predecessors.

Mr. CLARK of Missouri. Now, let me say just about one sentence. I have asked this question for information. I do not want to consume the time of the House. I congratulate the gentleman if his statement is true, and possibly it may be. I will ask the leave of the House to print this newspaper extract in my remarks.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to print a newspaper extract in his remarks. Is there objection?

There was no objection.

The extract is as follows:

IF NOT SPY SYSTEM, WHAT?—SOME FIGURES AS TO THE COST OF THE SYSTEM—CONGRESS SHOULD INVESTIGATE PRINTING OFFICE AND SYSTEM—SYSTEM'S REPUTATION SULLIES MR. STILLINGS'S FAIR NAME.

There seems to be some diversity of opinion in the Government Printing Office relative to a feature of the new régime which has so generally been called "Stillings's spy system." Hundreds of the employees believe it is a spy system and do not hesitate to say so when they are where the alleged spies can not watch the movements of their lips. On the other hand, gentlemen who are of the personnel of that system, whatever it may be called, assert, with much earnestness and apparent candor, that it is not a spy system. If it be not a spy system, it is unfortunate for the good name of Mr. Stillings's administration that the contrary opinion should be held by so many who come in daily contact with the system and are therefore qualified to judge of its character.

But, in any event, it is a useless, extravagant, and incompetent system, and, as has before been remarked, if it is not a spy system, there are no legitimate duties for it to perform which foremen and assistant foremen are not now being paid to attend to.

There should be a Congressional investigation of the Government Printing Office. The investigation should go down to the bone. The investigators should have the help of men who know the Government Printing Office—men who would be able to detect every effort to throw dust in the eyes of the investigators. This new system should be most rigorously looked into. The Standard is able now to give its approximate extra cost. The figures are as follows:

Chief inspector	$3,600
Two assistant inspectors ($2,000 each)	4,000
One female inspector (salary estimated)	900
One office physician	2,000
One assistant to office physician (salary estimated)	1,400
One statistician	2,000
Two additional stenographers and typewriters ($1,200 each)	2,400
Four additional stenographers and typewriters ($900 each)	3,600
Total cost of the system	$19,900

Of course, if it be a spy system, the above total will not by any means represent its cost. To it would have to be added the time lost from legitimate duties by the scores of spies scattered in all parts of the office. These subordinates of the system would necessarily lose much time in spying on their fellow-workmen and making reports to their superiors. It is regrettable that Charles A. Stillings permitted his fair name to be sullied by anything so odious.—Washington Standard, May 20, 1906.

Mr. TAWNEY. Now, Mr. Chairman, with the consent of the committee I want to make just a brief statement with regard to the allotment of this appropriation. The committee reduced the aggregate a million dollars. Then when we came to allot the $5,000,000 appropriation we counseled with the Joint Committee on Printing of the House and Senate. Members of the committee know that this Congress adopted two joint resolutions which it was claimed would have the effect, and I believe is having the effect, of making very great reductions in the expenditures for printing. The Committee on Appropriations called to its assistance the Joint Committee on Printing, and this allotment is the result of the work of the Joint Committee on Printing, and has been made in accordance with the provisions of the two joint resolutions which the joint committee reported and the passage of which they secured at the beginning of this session. If there are any questions that gentlemen desire to ask concerning the allotment, I will yield to the gentleman from Indiana [Mr. CHARLES B. LANDIS], who has charge of the matter, to answer the question.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] withdraw his point of order?

Mr. MANN. Mr. Chairman, I will in a moment. If the committee will indulge me just for a moment, I will say that this paragraph gives a very graphic illustration of the results of hysterical legislation, and sometimes of reform legislation. I notice that the paragraph omits something which has been in the current law for several years, forbidding the publication of illustrations, photographs, engravings, and so forth.

Mr. TAWNEY. The gentleman from Illinois knows that is the permanent law. Why should we carry it in the appropriation bill?

Mr. MANN. It is not in this paragraph. I withdraw the point of order, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order. The question is on the amendment proposed by the gentleman from Minnesota [Mr. TAWNEY].

The amendment was agreed to.

The Clerk read as follows:

And no more than an allotment of one-half of the sum hereby appropriated shall be expended in the first two quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the last two quarters of the fiscal year, except that, in addition thereto, in either of said last quarters, the unexpended balances of allotments for preceding quarters may be expended: *Provided*, That so much as may be necessary for printing and binding the Annual Report of the Secretary of Agriculture, as required by the act approved January 12, 1895, shall not be included in said allotment.

Mr. TAWNEY. Mr. Chairman, I offer an amendment to strike out that proviso.

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 163, strike out all after the word "expended," in line 8, down to and including line 12.

Mr. MANN. What is the reason for that?

Mr. TAWNEY. Under the present law, or under the printing law which we have passed, this proviso is no longer necessary, because it is provided for in the general law, as I am informed by the gentleman from Indiana [Mr. CHARLES B. LANDIS], chairman of the Committee on Printing.

Mr. MANN. Does it not cost a large sum of money to print these yearbooks?

Mr. TAWNEY. The printing of the annual report of the Secretary of Agriculture is now chargeable under existing law against the allotment for printing to the Agricultural Department.

Mr. MANN. This does not refer to the Yearbook?

Mr. TAWNEY. This is the Yearbook.

Mr. CHARLES B. LANDIS. I want to say that this does include the printing of the Yearbook.

Mr. MANN. Does the printing of the Yearbook come in the first quarter or in the last quarter of the year?

Mr. BARTLETT. How can it come in the first quarter?

Mr. MANN. If it comes in the first quarter and this item is stricken out, you will not get the Yearbook.

Mr. CHARLES B. LANDIS. The printing of the Yearbook extends largely through the entire year. It is used in the Government Printing Office largely in what is known among printers as "time copy."

Mr. MANN. Of course the gentleman from Indiana knows better than I that the composition work of the Yearbook is a small item. The principal item is paper and binding. If it is to go in the first quarter of the year and they are restricted from the use of more than a proportionate sum in the first quarter and this is the main item of printing from the Department, you won't get your Yearbook.

Mr. CHARLES B. LANDIS. I want to say to the gentleman that it will not interfere in any manner with the printing of the Yearbook.

The Clerk read as follows:

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employees of the Government Printing Office, $325,000, or so much thereof as may be necessary.

Mr. SMITH of Illinois. Mr. Chairman, I desire to offer the following amendment.

The Clerk read as follows:

On page 163, line 17, after the word "necessary," insert the following: "That from and after the date of the passage of this act the employees of the Government Printing Office, whether employed on piecework or by the day, shall be allowed by the Public Printer leaves of absence with pay for thirty days in each fiscal year, exclusive of Sundays and legal holidays."

Mr. TAWNEY. Mr. Chairman, I make a point of order on that amendment, that it is a change of existing law. I will reserve the point if the gentleman will limit his time to five minutes.

Mr. SMITH of Illinois. Mr. Chairman, this amendment applies only to employees in the Government Printing Office and, if adopted, will place these employees on the same footing as those of the Executive Departments.

In each of the Executive Departments of the Government employees are, by existing law, entitled to thirty days' leave of absence with pay, exclusive of Sundays and legal holidays. Why should a discrimination be made against the employees in the Government Printing Office? Why should they not have their thirty days' leave during the fiscal year with pay the same as employees in each and all of the Executive Departments? The employees of the Government Printing Office are probably the hardest-worked people in any department, bureau, or office in the service. During the sessions of Congress much of the work of the Printing Office is "rush work;" all of this work must be done on time. Why should not those Government employees be entitled to the same consideration as employees who are not compelled to do this "rush work" incident to a busy session of Congress?

The employees in the Government Printing Office receive no better pay, and in many instances far less, than many of the employees in the Executive Departments, and, as I have before stated, all the employees in the Executive Departments receive, under existing law, thirty days' annual leave with pay, exclusive of Sundays and legal holidays, while the employees in the Printing Office receive thirty days' leave with pay, inclusive of Sundays and legal holidays occurring during such leave.

Speaking for myself, will say I am always for the workingman. I have been one of them all my life, and I do not hesitate to say that all of them who are worthy should be placed on an equal footing.

The amendment seeks to obtain that meed of justice which is due to employees in the Government Printing Office, whether male or female, which is already accorded to employees of the Executive Departments of the Government. Can or should any representative of the people on this floor object to this? The only interest which I have in the matter is an earnest and honest desire to place on an equality with all other employees in the Government service those men and women in the Government Printing Office who are absolutely entitled to equal consideration.

I trust the gentleman (chairman of the Committee on Appropriations) will withdraw his point of order and permit the committee of the House to decide by their vote whether or not this amendment shall be adopted. The amendment does not necessarily carry an additional appropriation. The appropriation you provide for is based on the number of employees in the service at the time the estimates were made. Since then many of the employees have been discharged or laid off, and I am advised that soon after the adjournment of Congress five or six hundred more will be discharged or temporarily laid off.

I desire to urge in the strongest manner possible on the membership of this House the absolute merit and justness of this amendment and earnestly urge the support of every friend of labor and honest toil in the support of same.

The CHAIRMAN. The gentleman from Minnesota makes the point of order, and the Chair sustains it.

The Clerk read as follows:

To continue the construction of the Isthmian Canal, to be expended under the direction of the President in accordance with an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902, as follows.

Mr. LITTAUER. Mr. Chairman, I offer the following amendment, with the request that it be now read and be permitted to remain pending during the remarks of the gentleman from Ohio.

The Clerk read as follows:

Provided, That no part of the sum herein appropriated shall be used for the construction of a canal of the so-called "sea-level type."

Mr. BARTLETT. To that amendment, Mr. Chairman, I reserve the point of order.

The CHAIRMAN. By unanimous consent yesterday given to the gentleman from Ohio, he is now recognized for one hour.

Mr. BURTON of Ohio. Mr. Chairman, the problems relating to an isthmian canal have caused discussions in Congress as long continued and as earnest as those pertaining to great questions of political or economic policy. Three principal questions have been discussed. The first question was whether the canal should be built by the Government or by private initiative. After the expenditure of vast sums of money and several conspicuous failures under private enterprises it was decided by the act of June 28, 1902, that the Government of the United States should undertake the task. The second question was where the canal should be located. Numerous routes had numerous advocates. The same act of June 28, 1902, known as the "Spooner Act," registered the conditional decision of Congress in favor of the Panama route. It was supposed that a third question had also been decided by that act—namely, the type of the canal—and it is generally accepted that a lock canal should be the one adopted and constructed by the Government.

But of late a great deal of controversy has arisen on this subject. There has been widespread agitation for a sea-level canal. I shall endeavor to point out that the act of 1902 committed us to a plan under which locks and an elevated level were to be employed, but before doing so I wish emphatically to dissent from the opinion that we can afford to postpone the removal of this question from the domain of controversy. It is not fair to the President and to the executive officers of the Government who have this great enterprise in charge to say to them with one breath, "Proceed with the canal with all the speed you may," and with another breath to say, "We have not yet made up our minds what kind of a canal you shall build." It is unjust to the subordinates who have gone to the Isthmus to give to the work the best years of their lives and their best efforts, to hamper and embarrass them by failing to decide this question.

I am informed that some are now contemplating leaving the Isthmus with the thought that this delay means either that the construction will be indefinitely delayed or that there is a strong element here which does not desire any canal at all. A little later I will point out some specific practical reasons why a conclusion should now be definitely made which will leave no indication of doubt, but, in the first instance, I wish to call attention to the Spooner Act of 1902. Under this act the decision between the Panama and the Nicaraguan routes was left to the President, with a direction that if certain conditions could be complied with, that at Panama was to be selected. He was authorized to acquire, at a cost not exceeding $40,000,000, the rights, property, etc., owned by the New Panama Canal Company, and also to acquire from the Republic of Colombia, upon such terms as he might deem reasonable, perpetual control of a strip of land not less than 6 miles in width from sea to ocean, with the right to construct and maintain a canal. This control should include the right to maintain and operate the Panama Railroad. He was also authorized to acquire jurisdiction over the strip and the ports at the end thereof, to make such police and sanitary rules and regulations as should be necessary to preserve order and preserve the public health thereon, and to establish such judicial tribunals as might be necessary to enforce such rules and regulations. If he could not comply with these provisions of the act, he was to obtain the necessary territory from Costa Rica and Nicaragua and proceed with the construction of the Nicaraguan Canal. He did obtain by treaty with the newly organized Government of Panama a strip 10 miles in width instead of 6, and made satisfactory arrangements for our continued possession for the purpose of constructing and operating the canal, also for policing and for sanitary purposes. He secured a satisfactory title to the property of the New Panama Canal Company on payment of $40,000,000, and after accomplishing this he was directed to proceed by the specific language of the statute, as follows:

The President shall then, through the Isthmian Canal Commission hereinafter authorized, cause to be excavated, constructed, and completed, utilizing to that end as far as practicable the work heretofore done by the New Panama Canal Company of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean.

By this paragraph he was expressly directed—not merely authorized—to undertake the construction of the canal.

Now follows a direction which may be regarded as a limitation upon his authority, or rather, as a specification of the kind of canal to be built:

Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest

draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean.

In section 5 an appropriation is made and authority is granted to make contracts and to incur obligations for further expenditure to an amount set forth in the act. The section reads as follows:

SEC. 5. That the sum of $10,000,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated toward the project herein contemplated, by either route so selected, and the President is hereby authorized to cause to be entered into such contract or contracts as may be deemed necessary for the proper excavation, construction, completion, and defense of said canal, harbors, and defenses, by the route finally determined upon under the provisions of this act. Appropriations therefor shall from time to time be hereafter made, not to exceed in the aggregate the additional sum of $135,000,000 should the Panama route be adopted, or $180,000,000 should the Nicaraguan route be adopted.

Thus he was directed to proceed with the canal with the specification that it should be of such capacity and depth as should afford convenient passage for—

vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances.

A broader authority has perhaps never been given to the Executive than by this act. The measure clearly indicated the desire of the people for a prompt and effective prosecution of the work. Of course it will be conceded that Congress has the right, by repeal or other action, to take away the authority granted and reverse the decision made at that time, except that contracts made or obligations incurred would be binding.

Mr. WILLIAMS. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield?

Mr. BURTON of Ohio. I will say that I would rather not be interrupted. My time, while an hour, is very short, considering the magnitude of the subject. However, if I make any statement which is not clear, I am not only willing to answer questions, but ask Members to interrupt me.

Mr. WILLIAMS. That is the point. The gentleman has read the language of the Spooner Act, which is in substance that the President shall provide such locks as are necessary, and I understand the gentleman to be arguing that that necessarily means a lock canal. Is it not true that even in a sea-level canal there must be at least one lock, and probably more?

Mr. BURTON of Ohio. There would be a lock, but not locks. The use of the word "locks" instead of "lock," while significant, might not be regarded as conclusive. I was about to say that the necessary implication from the whole act is that a lock-level canal was intended. In interpreting this statute we must consider acts for river and harbor appropriations and some other appropriations of the Government which Congress had been making for years, and of the phraseology and purport of which both Houses of Congress must have been well informed when this measure was passed. In river and harbor appropriations the direction of Congress is to the Secretary of War. An appropriation is made and the Secretary is authorized to contract for certain works, with the usual provision that the further cost shall not exceed a certain amount, the work to be paid for from time to time as appropriations may be thereafter made. The amount of appropriation and authorization is invariably based upon estimates before Congress. Sometimes the direction is to prosecute the work rather than to complete it. Under these acts the Secretary is authorized, and by necessary implication is directed, to proceed with these works, making contracts for their completion or prosecution. The amounts accruing under these contracts are appropriated for from time to time in sundry civil acts. The act is a specific direction, however, to proceed, and should the contracts be made and Congress fail to make appropriations in pursuance thereof the contractor could bring suit in the Court of Claims and recover the amount due him under the agreement made. Now, let us notice the amount of the authorization. It is $135,000,000. At that time both House and Senate had before them a report of the Isthmian Canal Commission created in 1899, stating that a lock canal at Panama would cost $135,000,000 and a sea-level canal would cost $240,000,000. This Commission estimated also the probable cost on the Nicaraguan route at $180,000,000 in case the President should proceed with the Nicaraguan Canal. I have given round numbers, but the figures were understood at the time. If it had been the intention of Congress that there should be a sea-level canal there would certainly have been mention of the two hundred and forty millions, the estimate before it for that type, or at least some language giving to the President authority to expend in excess of $135,000,000.

It is true that under the directions contained in the act the plan in the engineers' report which was before Congress in 1902 had to be changed. It was necessary that the depth should be greater. The proposed depth under their report was only 35 feet and the bottom width 150 feet. In order to afford passage which would be convenient for boats of the largest size, it was decided that a depth of 40 feet and a bottom width of 200 feet would be required. There was also a change in the size of the locks, but with greater information on the subject, by a saving in some places, it has been maintained that the canal on the lock-level plan can be completed for $139,705,000, to be expended after the beginning of our occupation, an amount only slightly in excess of the original estimate. This, of course, does not take into account the $10,000,000 that was paid to Panama and the $40,000,000 paid to the New Panama Canal Company or the expenses of sanitation and of government.

In discussing the comparative merits of a lock and a sea-level plan it is desirable to state some general facts and considerations. The length of the Panama route from deep water on the north side, or that of the Caribbean Sea, to deep water on the south, or that of the Pacific Ocean, is 49.15 miles. The maximum elevation on the axis or center of the proposed canal was, in its natural condition, 333 feet above sea level. This has been excavated to a considerable extent. A recent statement makes the present height 210 feet.

Four chief obstacles may be mentioned whatever type is to be adopted. The first may be said to be the magnitude of the work. It is the greatest engineering problem ever undertaken, and yet it presents, save in one or two particulars, nothing untried or exceptionally difficult. In comparison with the two other canals, which are without locks, it should be stated that the Suez is 104 miles in length, as against 49.15, and the Corinth is only 2 or 3 miles in length. In the Corinth Canal the maximum excavation is slightly in excess of 200 feet, in the Suez about 70 feet. The latter goes through what is practically a desert, though there are lakes on the way affording a wide channel for a part of the distance. The greater magnitude of the work at Panama is noticeable from the fact that the actual depth of the excavation to sea level is 333 feet. If the sea-level plan should be adopted, this would be increased 40 feet, the depth of the proposed channel, or to 373 feet. But it must also be stated that at the point of the canal where it crosses the maximum elevation the cross section of the ground to be excavated is in a curved shape and slopes rise to a higher elevation on both sides of the proposed route. The bottom width of the navigable channel would be 200 feet, in addition to which there should be on each side where the excavation is more than 100 feet a berme or shelf 50 feet in width just above the water level. The object of these bermes would be to afford access along the canal at places where there is deep excavation, and also to detain, in part at least, from going into the canal, any earth which might slip down from the slopes either during its construction or after its completion.

As regards the location of bermes and the height of the cut at which they would be used, these are matters of detail and might be changed. In order to provide side slopes it would be necessary that the width should be increased as the excavation approaches the level of the ground above, and in view of the greater elevation on both sides of the center of the proposed route there would be, with a sea-level canal, an approximate width of 1,100 feet at the top of the cut in one location and a height of 600 feet. At this point the excavation is in hard and soft rock. The maximum width at the top of a lock-level canal would be about 170 feet less, or 930 feet, and the maximum height 85 feet less. The figures which I have given are in accordance with the best estimates obtainable, though the nature of the rock and the necessary extent of the slopes may change them somewhat. As compared with these figures it should be stated that the greatest excavation in this country in a cut for a canal or railroad, of which I have been informed, is 250 feet, which is on a low-grade freight line of the Pennsylvania Railroad near to the Susquehanna River, and this excavation appears only on one side.

Another obstacle is that of sanitation. The average rainfall on the Caribbean side of the Isthmus is about 140 inches, about one-half that amount on the Pacific side, and over 90 inches in the interior. This maximum rainfall of 140 inches is four times as much as the average along the Atlantic coast. In addition, there is the extreme moisture incident to so large a rainfall and constant tropical heat, though the temperature does not, save in the lowest portions, reach an exceptional figure. Sanitary conditions were inferior when our Government took possession on the Isthmus. The ports at the two ends were subject to epidemics of yellow fever and other dangerous diseases. None of these presents any insurmountable obstacle, although the work will be seriously handicapped by the severe climate and the interruptions arising from very frequent rains.

A third obstacle is the circuitous route which must necessarily be adopted. Generally speaking, four ridges extend along the Isthmus, though very much interrupted and not continuous. They are located, one near to the seacoast on each side, and two in the high portions of the interior. It would be impossible to construct a canal without taking into account these ridges. The route of the canal must be adjusted to the course of the streams. The proposed route crosses the Chagres River, of which mention will be made, at least eight times. The next and greatest obstacle, both to the construction and operation of the canal, is the Chagres River, the "terrible Chagres," as it has been called. Why is it called the "terrible Chagres?" Because of its extreme fluctuations and sudden rises. In the low-water stage it has shown a discharge at Gamboa which, during the period of recorded observations extending over nearly thirty years, has been as small as 383 cubic feet per second. At its maximum high-water stage it has been 76,000 cubic feet per second. The magnitude of this torrent may be understood when it appears that its maximum discharge is more than one-third as great as the total average flow from the Great Lakes going over Niagara Falls. It reached, in 1890, 65,000 cubic feet per second. It will be observed that the variation in the flow has been, if you compare the minimum and maximum, as 1 to 200. It rises in the very high ground east of the proposed route, and in the lower portion has friable banks. It is necessary that a considerable part of a sea-level canal should be constructed near to its course because its route must be adjusted to the ridges extending along the Isthmus, of which I have spoken. This ungovernable river has baffled the plans of many engineers and destroyed the most sanguine hopes.

Now, with the consent of the House, I will approach the maps and explain the situation more completely, endeavoring to show the distinctive features of the two types or plans of the proposed canal. For 7.15 miles from the Atlantic side to Gatun, partly in a bay and partly through ground easily excavated, their course would be substantially the same. At this point in the lock plan the level of the canal would be raised 85 feet by three locks, each of a lift of 28½ feet. These locks are successive, or in flight, and would be built in duplicate, or side by side. There would be six locks in all, each 900 feet in length and 95 feet in width. The canal would be carried upon this level for 32 miles to a place known as "Pedro Miguel," on the side sloping to the Pacific, where, according to the plan of the minority of the Board of Consulting Engineers appointed by the President, a lock would be constructed in duplicate to a lower level, about 30 feet. From thence, through an artificial lake, the channel would lead to Sosa, a distance of about 5½ miles, where two locks would be constructed, again in duplicate, which would lower the level to that of the mean or average tide of the Pacific Ocean. From thence to deep water in Panama Bay would be 4.23 miles. This project of the Consulting Engineers, however, is likely to be modified so that the three locks on the Pacific side will be located at Pedro Miguel and below at Miraflores, having the same lift as suggested in the plan of the minority of the Board.

The sea-level plan contemplates a lock on the Pacific side to guard against the tide, which has a range of 20 to 23 feet, while on the Atlantic side it does not exceed 2 feet.

An essential feature of both types of canal would be the construction of great dams. The lock level would have a large dam in connection with the three locks at Gatun, which would create a lake 30 miles in length, in which would be impounded the waters of the river Chagres and its tributaries, as shown upon the map here representing the proposed lock canal.[a] Through 23 of these 30 miles the channel of the canal would lie. On the Pacific side, also, three dams would be constructed, impounding in a similar manner the waters which flow to the Pacific Ocean, again affording a deep and wide channel on the Pacific side. These latter dams would not be constructed if the modification suggested should be made.

The sea-level plan contemplates the construction of a dam at Gamboa here [indicating on the map], impounding the waters of the Chagres, which flow down from the higher ground above; also numerous other smaller dams to prevent, or check, the waters of impounded streams from flowing into the canal.

On the large map here are two lines, or routes, showing the approximate width of the proposed canals.[b] The upper one begins here on the Atlantic side, or in deep water on the Caribbean Sea, and represents the lock-level canal. The lower represents the sea-level canal along the same general route. For 4½ miles the course is nearly from north to south from Limon Bay, near to Colon, to the mouth of the Mindi River. If you will follow the map, you will observe an important, and I may say vital, difference between the two proposed canals, and when this is understood you have the very strongest argument for the lock canal. I think the feeling of every one of us would be that if it were practicable within reasonable limits of expense to build a sea-level canal, if the banks would not cave, if it could be readily maintained, if large boats could be readily steered and could go through without grounding or running against rocks at the side, a sea-level canal would be the enterprise which we would prefer.

But such a canal convenient for modern shipping and for prospective shipping would, in the judgment of those who have most carefully studied the subject, cost the sum of $400,000,000 and more, and would exhaust twenty years and more in building. It is proposed that the sea-level canal should be 500 feet wide for the first 4½ miles. The channel would be obtained for this distance by dredging in a bay or in low land next to a bay. From that point for 40 miles—I want to call attention to an apparent misapprehension. These routes represented here [indicating] are not one above the other or differently located. They are each on practically the same line, placed in juxtaposition on the map here. The sea-level canal, I repeat, for 40 miles would in earth excavation be 150 feet wide, in rock excavation 200 feet wide. To give exact figures, 150 feet wide for 20.39 miles, 200 feet for 19.47 miles. So for nearly 40 miles there would be an average width of almost exactly 175 feet. A lock-level canal contemplates the same plan for the first 4½ miles, and then a width of 500 feet to the proposed Gatun locks.

Mr. CAMPBELL of Kansas. Mr. Chairman, the very able and instructive speech of the gentleman from Ohio is quite as interesting to Members of the House over here as to those who are immediately surrounding that gentleman, and I raise the point of order.

Mr. BURTON of Ohio. I think if gentlemen will be seated I can make this plain, so everyone can understand.

Mr. GROSVENOR. Inasmuch as the interruption has taken place, I would like to ask the gentleman from Ohio to state how much distance there is between the direction of the sea-level canal and the lock-level canal.

Mr. BURTON of Ohio. They are virtually along the same line; there are variants, but those are not important. That involves so much detail I think it hardly worth while to go into it. At the Gatun locks, as I have stated, it is proposed to have in succession or flight three locks, having an aggregate lift of 85 feet to the highest level. Beside these locks at Gatun there is to be located across the channel of the Chagres, and impounding its waters, a dam 7,700 feet long. It is to be 135 feet high at the highest point, with a width or thickness at the bottom of half a mile, tapering to 100 feet at the top. Calculations have been carefully made to the effect that the water will rise for 85 feet of the 135 feet height of the dam, at which point the thickness of the dam will be 374 feet. In the central portion of this proposed dam there is a natural elevation through which a spillway would be constructed to take care of the waters while the canal is under construction, and to discharge the surplus after it is completed. In this connection it may be said that one of the greatest difficulties under either type will be the disposition of the waters while the canal is building.

There can be no question of the strength or permanence of this dam. There are some other questions relating to it which, if I have time, I will take up later. I think, however, all are solved with absolute certainty. This dam would raise the level of the Chagres and its tributary streams which flow on this side of the Isthmus to a level of 85 feet above the sea. It would create an artificial lake of an area of 118 square miles, 30 miles in length, through 23 miles of which the channel of the canal would lie.

Now, what are the differences between the two plans by reason of the creation of this artificial lake? At the beginning of the channel above the dam at Gatun in the lock canal, instead of a channel 150 feet wide and 40 feet deep, as proposed in the sea-level canal, there would be a channel 1,000 feet or more wide and 75 to 80 feet deep, and that very materially greater width and a materially greater depth on the higher lock level would continue for 23 miles. I just want, gentlemen of the committee, to put two figures over against each other. For 40 miles of the route, under the plans of the majority and minority of the Board of Consulting Engineers, the average width of the sea-level canal would be 175 feet, the average

[a] See Plate I, annexed hereto, for lock canal; Plate II for sea-level canal.

[b] See Plate III for a section of this map.

PLATE I.

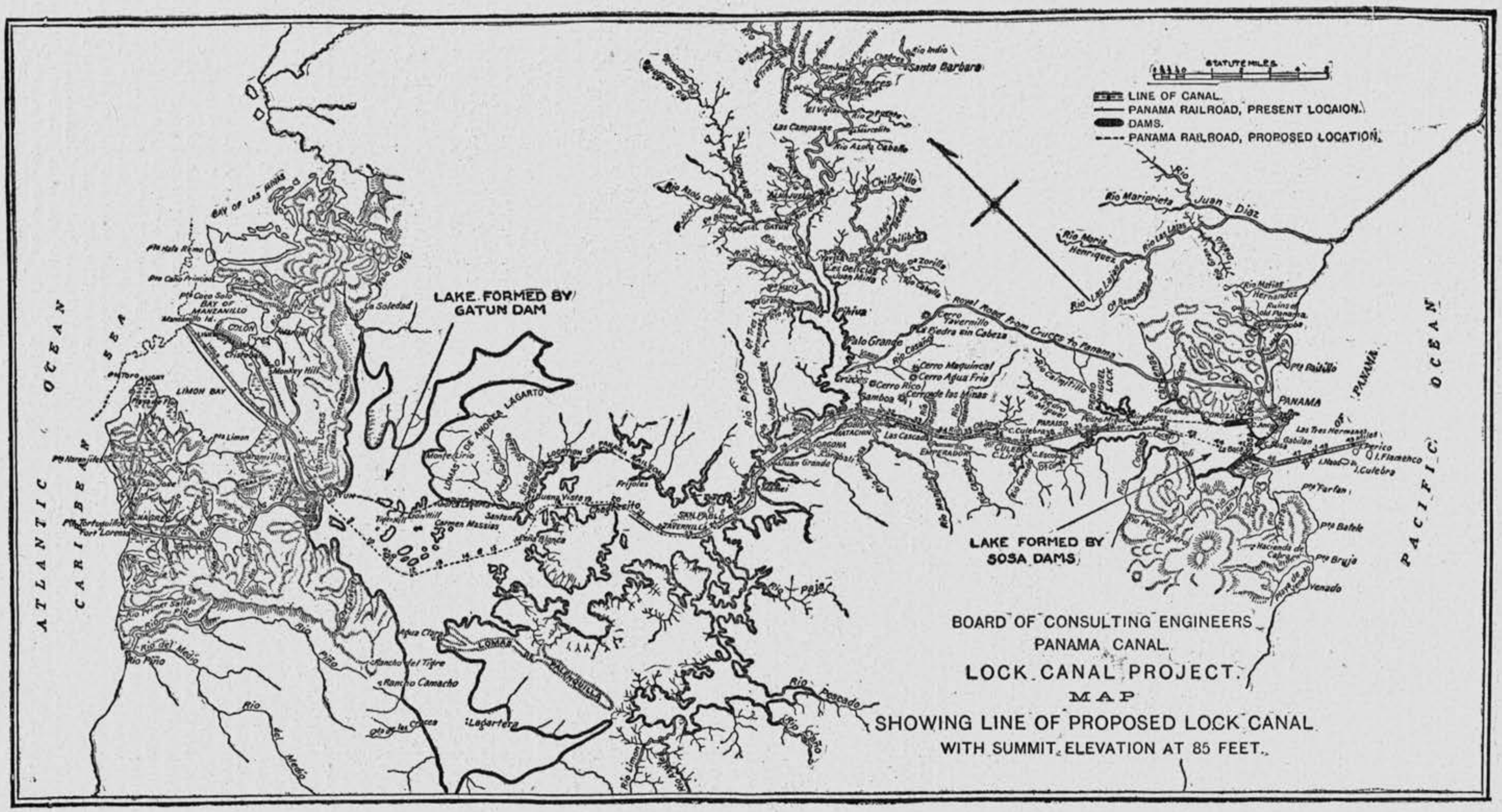

LINE OF CANAL.
PANAMA RAILROAD, PRESENT LOCAION.
DAMS.
PANAMA RAILROAD, PROPOSED LOCATION.
LAKE FORMED BY GATUN DAM
LAKE FORMED BY SOSA DAMS
ATLANTIC OCEAN
CARIBBEAN SEA
PACIFIC OCEAN
LIMON BAY
PANAMA
Santa Barbara
Juan Diaz
Palo Grande
Royal Road from Cruces to Panama
BOARD OF CONSULTING ENGINEERS
PANAMA CANAL.
LOCK CANAL PROJECT.
MAP
SHOWING LINE OF PROPOSED LOCK CANAL
WITH SUMMIT ELEVATION AT 85 FEET.

PLATE II.

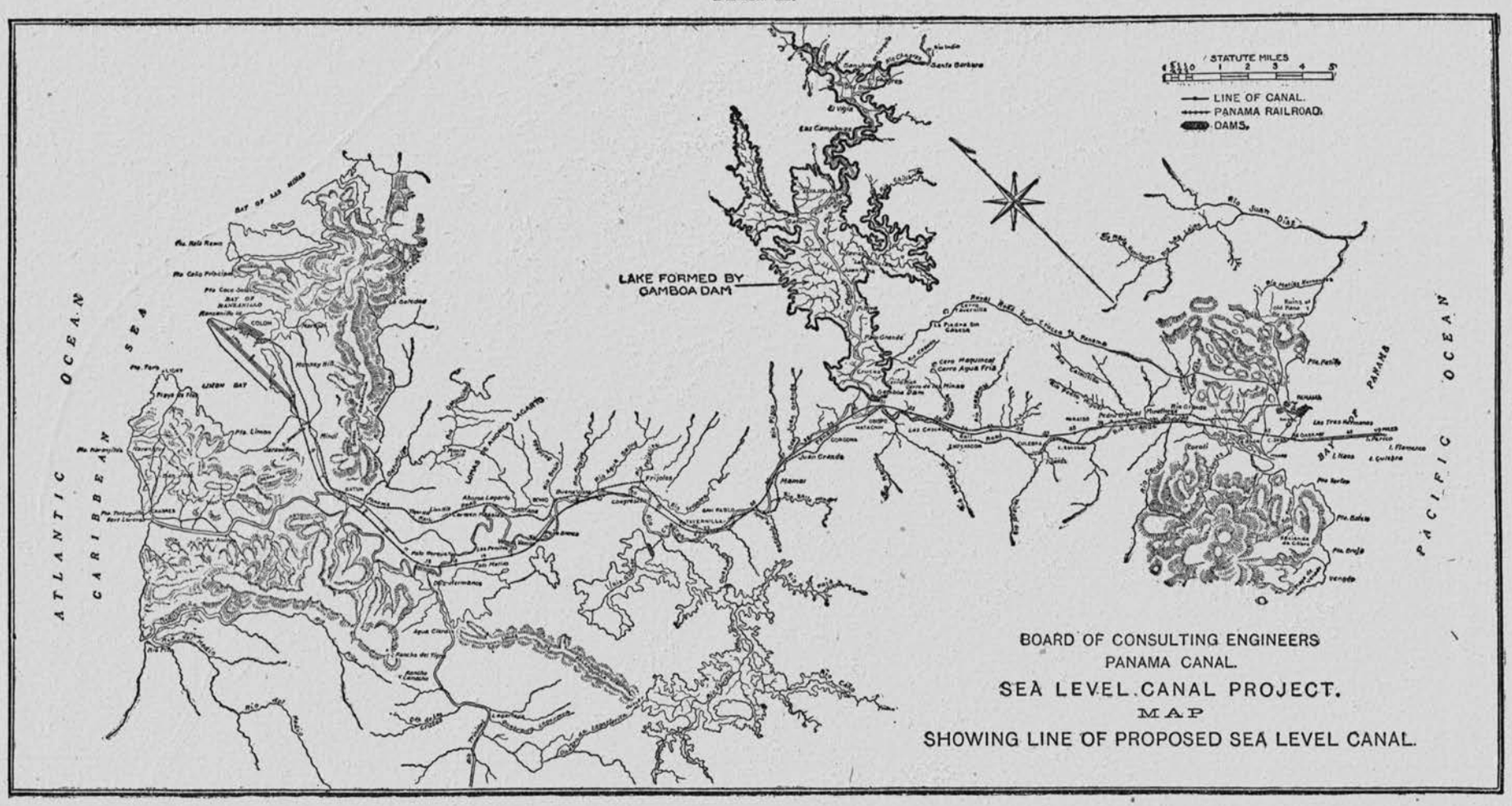
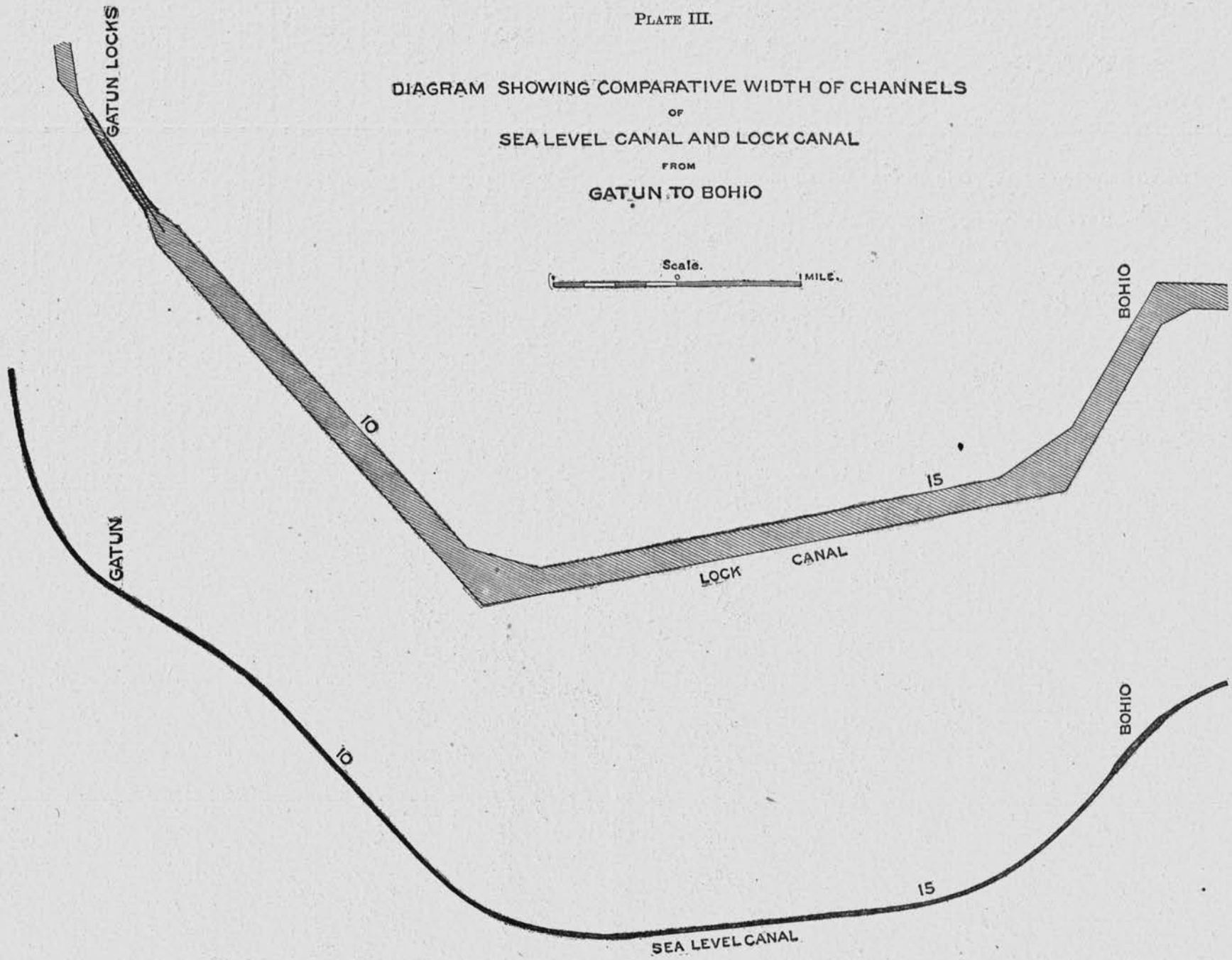
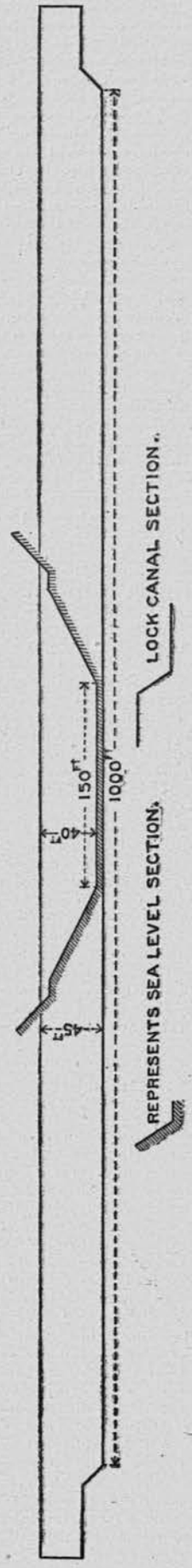

STATUTE MILES
LINE OF CANAL.
PANAMA RAILROAD.
DAMS.
LAKE FORMED BY GAMBOA DAM
ATLANTIC OCEAN
CARIBBEAN SEA
PACIFIC OCEAN
PANAMA
BOARD OF CONSULTING ENGINEERS
PANAMA CANAL.
SEA LEVEL CANAL PROJECT.
MAP
SHOWING LINE OF PROPOSED SEA LEVEL CANAL.

PLATE III.

DIAGRAM SHOWING COMPARATIVE WIDTH OF CHANNELS
OF
SEA LEVEL CANAL AND LOCK CANAL
FROM
GATUN TO BOHIO





width of the lock-level canal would be 600 feet.[a] This difference would thus be in evidence for more than four-fifths of the length of the canal. Under the modified plan the difference in width and depth would be even greater for half the total length of the route. This difference alone, if other factors promised equal advantage, should turn the scale in favor of the lock-level plan.

Mr. MARTIN. I notice that you use the term "lock-level canal." Is lock-level canal a new proposition in engineering?

Mr. BURTON of Ohio. By no means.

Mr. MARTIN. What is the distinction between that and the ordinary lock canal?

Mr. BURTON of Ohio. I used the terms indiscriminately. Either is correct, I take it; though perhaps the term "lock canal" is better.

Here are two maps showing, respectively, the proposed plans for the lock and sea-level canal. You will notice how frequently its route crosses the Chagres River [indicating Plates I and II].

Mr. OLMSTED. The route of which canal?

Mr. BURTON of Ohio. Either route; but the Chagres is prevented from crossing the lock canal.

What is the proposed disposition of the waters of the Chagres under the sea-level plan? They propose to build a dam here at Gamboa. It would be 180 feet high, rising from sea level, 50 feet to the bottom of the bed of the river, and thence 130 feet to the crest. Against this the waters would rise to a height of 170 feet, or 10 feet below the crest. The plan for a dam there is no doubt a feasible one, as well as that at Gatun. Each would be provided with spillways. There would have to be a considerable number of other dams as part of the sea-level plan. Of these, I must say that the foundations for them, and the practicability of their construction, does not seem, by any means, to have been as carefully studied as that at Gatun.

Mr. WANGER. In the estimate of flowage which you stated, as I understand, you referred to the cubic feet per second.

Mr. BURTON of Ohio. Yes.

Mr. WANGER. Past Gamboa?

Mr. BURTON of Ohio. That is the estimate, and I will come to that.

Mr. WANGER. And farther down the stream——

Mr. BURTON of Ohio. Farther down the stream it is estimated that the flowage would be half as much more. The 65,000 and the 76,000 which I have mentioned as a maximum would be impounded here [indicating site of Gamboa dam on the map]. There would be a spillway over which the maximum discharge would be 15,000 cubic feet per second.

Now, let us study the contour of this canal and the bed of the river near to it. The course of the proposed sea-level canal for the whole distance from Gamboa or Obispo here down to Gatun, 22 miles, is near to the Chagres and lower than the bed of the river. Many of you have seen canals built by the side of rivers, and I do not believe one of you will recall a place where the level o' the canal was not above the river beside which it was constructed, because no other plan would be regarded as safe. That is not all. In case a dam should be constructed at Gamboa, the comparative number of cubic feet at Bohio, down here 10 miles below, originating below the dam, still on the route of the Chagres, would be one-half the amount which would be impounded at Gamboa—that is, if there are 76,000 cubic feet per second, the maximum discharge in recorded freshets, which would be gathered by the Chagres at this point [indicating Gamboa dam], another 38,000 would empty into the river through tributary streams below this dam at Gamboa, all of which would be near to and a menace to a sea-level canal. There are seventeen of these tributary streams flowing into the Chagres the waters of which, directly or indirectly, might find their way to the canal below this dam at Gamboa, falling 30 to 150 feet to reach it. It is proposed to take care of the waters of these streams by dams on the principal tributaries, by diverting canals, and, in a large degree, by allowing this water to spill over into the sea-level canal. Now, what would be the result? If it were a broad stream, 400 or 600 feet wide, the canal could perhaps take care of a large volume of water; but what is the first thing that would happen? With the falling in of some tens of thousands of cubic feet of water per second at a time of freshet a very large amount of silt would be carried into that canal, and there must be constant dredging, with serious danger that at times the channel would be seriously impaired. What would be another result? Some of you have seen a very good illustration just below Niagara Falls, where 8,600 cubic feet of water comes through a tunnel into Niagara River a short

[a] See Plate IV for comparative cross sections at mile 15.

distance below the falls. There is a resulting cross current reaching almost across the river, and that, too, although it is but a short distance below the great cataract. In the amount which might enter the canal would be included not only the 15,000 feet from the spillway at Gamboa, but the still larger quantity—very materially larger, probably—which in time of freshet would flow in from the lower Chagres and its tributaries. This would not only deposit a great quantity of silt in the canal, but would raise the current concededly to 2.64 miles per hour at the time of maximum flowage.

Now, suppose you have a vessel 600 or 700 feet long. The bill provides that provision shall be made for the largest vessels now in use or those that may be reasonably anticipated. A boat has been launched nearly 800 feet long. In a channel 150 feet wide, with a current of 2.64 miles per hour, it would certainly be difficult if not impossible to steer her. In some portions of this route at the side there is not only dirt, but rocks. But it is said the Suez is even narrower. I wish to say that there can be no comparison between the two. In the Suez Canal the difficulties of construction, in the first place, are not so great. In the second place, it is through a sandy desert, at no place having an elevation of more than 70 feet through which they had to excavate. If a boat runs its nose against the side, it is against soft sand, and no serious injury can be done. As against a rainfall of more than 100 inches per year on the Isthmus of Panama, that on the Suez at the Red Sea is 1 inch, increasing to 3 inches at the northerly end. Yet, further, the Suez Canal does not afford a waterway for boats of nearly so large a size as is intended at Panama. Again, the curvature in the sea-level Panama Canal would be greater than in the whole of the Suez Canal. Although the Suez is 104 miles in length, there are only 15 curves, with a total curvature of 467½°, as against 19 curves at Panama, with a total of 597° in 49.15 miles. The total curvature, as I recall it, is 13 per cent of the route in the Suez and 38.8 per cent at Panama; indeed, in the portion excavated in the land 47 per cent. In other words, taking the whole canal, there is nearly three times as much curvature, relative to the distance, in the Panama Canal as there is in the Suez Canal, and in that part outside of bays more than three and one-half times as much. This is for the most part eliminated by the lakes under the lock plan.

I now wish to make a comparison here with other channels as regards some of the alleged disadvantages of the two types. Let us consider the objections to the proposed locks, and the dangers to shipping arising from the use of locks, on the one hand, and, on the other hand, from narrow channels with swift currents. It is said that locks of such magnitude are not safe. They would be 900 feet long and 95 feet wide. They are not in advance of existing locks in length or width, but are in advance in depth. But there has not been an occasion to build locks of a larger size, and so the trial has not been made. The increase in size is not greater than has been successfully accomplished in almost every species of construction. The last thirty years has witnessed a development in sky scrapers. Thirty years ago there were no sky scrapers in Chicago or New York, but now a building more than twenty stories high is regarded as quite as safe as was one of six stories of that time. Thirty years ago, in a proposed plan for building a bridge 2,200 feet long and 150 feet above the water level, on the Detroit River, it was decided by engineers to be necessary to put in two piers. Later they said that such an important advance had been made that one pier would be sufficient, and still later it was unanimously agreed that if expense should be disregarded a bridge 2,200 feet long and 150 feet above the water could be constructed without any pier, giving absolutely a clear passageway under the bridge. These are illustrations of improvements in construction.

The masonry of the locks would be 40 to 45 feet in thickness, of great stability; the upper locks would no doubt be provided with double gates and, if necessary, above the lock there would be located a movable dam, to be raised in case of accident. In the fifty years during which the "Soo" locks, in St. Marys River, between Lakes Superior and Huron, have been operated, those who are opposed to a lock canal say that three accidents have occurred. These are all they can enumerate in fifty years, during which time a traffic of 400,000,000 tons has passed through, 44,000,000 tons passing through last year without a minute of interruption and without any accident. When the accidents occurred the repairs to the gates and to the boats were easily made.

But where have the accidents happened? In channels 300 feet wide or more, below the locks in St. Marys River, where the current is not 2.64 miles, but 1⅓ miles per hour, and at the St. Clair Flats Canal, where the current is 1¼ miles. In these channels, more than twice as wide as the prevailing width in the proposed sea-level canal, with maximum currents half the maximum there, there have been during the fifty years mentioned a long list of disasters arising from collisions, from grounding, and, perhaps worst of all, as the result of boats being driven athwart the channel. By these accidents shipping has been delayed many days, with the result that the damage to traffic upon the Great Lakes has assumed very large proportions. If these boats, which until recently averaged less than 400 feet in length, would meet with such accidents in channels of greater width and in currents not so swift, what would be the probabilities in a canal where the specifications require provision for boats 800 feet long and of very much larger size? Thus, when we take into account the danger that may arise from locks they are far outweighed by the danger arising from the narrowness of the proposed sea-level channel and the current that might be created in it. These velocities of 1⅓ miles per hour in St. Marys River between Lakes Superior and Huron and 1¼ miles per hour in the St. Clair Flats Canal have been recently furnished by General Mackenzie, Chief of Engineers, and are official figures.

It has been said that this maximum current would only occur occasionally. In answer to that: In the first place, any waterway should provide for navigation every day in the year, and should be built in accordance with the extreme demands upon it. In the next place, with so great a rainfall, strong currents, if not reaching a maximum of 2.64 miles per hour, would be frequent and cause very great difficulty and danger.

I have no question about the stability of these locks, their permanency, or their sufficiency. Of course, there might be damage to them by great earthquakes, and if I have time I will come to that later.

Objection is also made to the Gatun dam here, the dimensions of which I have already given. The safest of dams, I take it, is an earthen dam of very large dimensions, which in this case would be one-half mile wide for the bottom width and of such a heighth and massive dimensions that it would be impossible to wash it away. Is there any danger of percolation under it, any danger of its being washed away by a fissure or anything of that kind? Certainly not. The danger of percolation has been thoroughly examined, borings have been made everywhere in the neighborhood, and it has been found that the seepage or percolation would be insignificant, negligible, as the report states. Even if there were some degree of seepage, by the use of cement grouting, or by the putting down of steel plates, this could be absolutely shut off.

Now, as regards the advantages of width, of safety, of the absence of current, every argument is for the lock-level canal. There are a great many who have the idea that on the upper level the channel is just as narrow as on the lower level, and the moment that you tell them that there is an average of 600 feet on the upper level and 175 feet on the lower level, it destroys the force of the arguments which have influenced them and creates an absolutely different impression of the comparative merits of the two. It is now time that I should call attention briefly to some practical reasons why this question should be put entirely beyond peradventure.

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. BURTON of Ohio. Why, certainly.

Mr. HENRY of Texas. There is one question I would like very much to have the benefit of the gentleman's information and judgment upon. We are going to build this canal not for the present generation, but for generations to come and for the centuries to come. Now, assuming that we construct a lock canal, will the same character of ships, the size of ships, pass through that canal as is contemplated to pass through a sea-level canal, and what would be the difference as to time?

Mr. BURTON of Ohio. As regards time, in case of a large traffic boats could pass through the lock-level canal more quickly than by a sea-level canal. Why? Because in these portions here there is a greater width, boats would have ample opportunity to pass each other and need not slow down at points where they might meet. With a sea-level canal, I will say, generally speaking, that a small boat could go through more promptly. It would not be compelled to slacken speed so much as a large boat because of curves and narrow channels. But a large boat could go through the lock-level canal more promptly. The passage would depend very largely on the time required for going through six locks as against one lock by the sea-level plan. It will be conceded by everyone that, apart from the lock portion of the canal, progress can be very much more rapid in the lock-level canal than in the sea-level canal, especially with a boat of large size, because of the necessity of checking speed in the latter, the danger of collision and of running against the banks, and especially because of the danger that

a large ship might be lodged across the channel. Further answering the gentleman, I do not anticipate that there would be any possible need for a larger canal than that under the lock plan for fifty years to come. Of course, that is a matter of conjecture. It would provide for boats with 40 feet draft and 90 feet beam. I say 40 feet—that is, 38 feet, practically. It would allow for a length of 780 feet to 800 feet or more. The very largest boats that have gone through the Suez Canal since January 1, 1905, and, I take it, the largest at any time since its opening, was one which had a draft of 26 feet 3 inches and a length of 560 feet; another having the greatest width was the English war ship the *Terrible*, having a beam of 78 feet. In making our plans it is well to provide for the centuries to come, but it is also well to provide that we do not reach the next century before we finish the canal. [Applause.]

Mr. OLMSTED. I would like to ask the gentleman a question. The gentleman from Ohio mentioned one lock or a series of locks with an aggregate lift of 85 feet. I merely want to ask if there would be other locks and what would be the aggregate lift?

Mr. BURTON of Ohio. Eighty-five feet up and 85 feet down, three locks on the Atlantic slope—that is, on the Caribbean Sea side—and three on the Pacific slope.

Mr. OLMSTED. In the Rideau Canal in Canada, which is 120 miles long, of course not so wide as this nor so deep, there is an aggregate lift of over 300 feet.

Mr. BURTON of Ohio. That is true. Of course it should be stated in candor that no such sized boats as are contemplated here go through the Rideau Canal.

Mr. OLMSTED. They carry boats of over 100 feet in length.

Mr. BURTON of Ohio. They carry boats of very considerable size, but this is to be built for not only the very largest-sized boats, but with provisions for safety.

Mr. WILEY of New Jersey. Mr. Chairman, I would like to direct the attention of the gentleman to one fact that seems to have escaped his attention, and that is, I think, he stated there were 23 miles of lake navigation of lock-level canal and there is a depth of 75 feet.

Mr. BURTON of Ohio. I think I so stated, gradually diminishing to 40 feet, the channel beginning at a width of 1,000 feet.

Mr. WILEY of New Jersey. The point was this, that the steamers coming through that lake navigation could go at a very much higher speed than they could through the canal.

Mr. BURTON of Ohio. Certainly.

Mr. WILEY of New Jersey. On account of the wash on the banks they are obliged to maintain a slow speed.

Mr. BURTON of Ohio. Yes.

Mr. WILEY of New Jersey. Through that lake they would probably go at full speed.

Mr. BURTON of Ohio. Yes; they might; but probably they would not try to attain their maximum capacity for speed. In a short distance they would not go under full headway.

Mr. WILEY of New Jersey. That would more than abrogate the time consumed in locking.

Mr. BURTON of Ohio. It would with a large ship certainly. I think a smaller ship could go through more quickly on a sea-level canal.

Something was said not long ago to the effect that this wide lake would not be a good thing, notwithstanding there is in places a thousand feet of channel, because it gradually becomes very shallow at the edges, and it is said that the sea-level canal would have an advantage, because the pilots would see the trees on the sides. I do not take that seriously. A pilot does not depend on trees, but on his knowledge of the channel, and this channel, 1,000 feet wide for 16 miles and 800 feet for 4 miles more, outside of shallow water would be buoyed, and every navigator has to keep track of buoys. If he can not, he does not know his business.

Mr. BURKE of South Dakota. Mr. Chairman, the gentleman gave us the statistics of the number of accidents that happened in the last fifty years in the Soo Canal. I would ask the gentleman if he has the statistics as to the accidents that have happened in the Manchester Canal?

Mr. BURTON of Ohio. There may have been more there, but that is a very simple proposition.

Mr. BURKE of South Dakota. Then I wanted to ask the gentleman in that connection what would happen to a lock-level canal such as the gentleman has described if an accident should occur so that the ship would go down through—would carry the gates?

Mr. BURTON of Ohio. In the first place, it is an impossibility, if the locks and approaches are properly constructed and properly managed. It is beyond belief. It would be necessary, of course, that there should be approach walls above and below the locks. The Manchester Canal does not have these of a kind that would be constructed here and which common prudence would require should be constructed. Then there would be double gates and, as I said, a movable dam above the upper lock which could be put up in case of damage. All the dangers that have been exploited by the opponents of the lock canal have been met and solved at the Soo, every one of them. They have gotten along there for these fifty years without difficulty.

I was about to speak of reasons of a practical nature why this matter should be settled beyond question. I desire now to have the profile maps brought here. There is an idea that we can go along in a lucky-go-easy way and the work will apply alike to a sea-level or to a lock canal. Let us examine some reasons why such is not the case. Here are the profiles and plans for the canal.[a] I will say that this profile of the sea-level canal is erroneous in one important particular. At the northerly end it represents the old line selected by the French company, upon which there has already been a good deal of excavation, but this line has been abandoned, so that from that point [illustrating on the map] the ground is not yet below sea level. Now, the three great problems in a lock canal, as far as construction is concerned, would be the building of this dam at Gatun here, the building of the locks at Gatun, and the cutting down of the Emperador-Culebra Heights here. The question is, which will require the longest time? In my judgment, the construction of the three locks at Gatun will take the longest time, and work should be commenced upon them at once. If a lock canal should be constructed, what should be done? This channel could be dredged here 7.15 miles to the proposed location of the locks, so that material might be brought there by a direct channel from the sea. Thus cement could be brought from Gulf ports or from other seaports, and the same opportunity would be available to obtain other necessary materials—lime, gravel, sand, crushed rock, etc. Now, if it is to be a sea-level canal the natural plan for making excavations would be to use your railroad so as to work along up here upon this upper level without turning your force in the direction mentioned. The method of constructing the dam at Gatun affords another reason for an early decision. The dredged material from the canal below Gatun should be utilized. Earth dredged from water would afford a better material than dry earth brought from other sources, and it could be conveyed to the dam by pipes connecting directly with the dredges near at hand or with scows bringing the dredged material from more remote points.

But there are two or three other points which are much more important than either of these. Here is your summit of 333 feet rising like the sides of a cup on both sides. If it is a lock canal, the excavation at the top would naturally be at least 170 feet narrower than for a sea-level canal. What is the rational and economical way in which to proceed with that excavation? It is to begin at the outer edge on both sides. It would be necessary to locate steam shovels and equipment for removal of earth on the upper edges of the cross section of the canal. In excavating this cut it is intended that the sides have a slope with frequent shelves or benches, perhaps every 30 feet. It will be necessary to locate numerous steam shovels and railway tracks. The general slope of the sides, it has been estimated, would be what is called "1 on 1"—that is, for a height of 85 feet there would be an additional width of 85 feet. It will readily be recognized that if you have a sea-level canal, you begin 85 feet farther out on either side. If you proceed as if for a sea-level canal and then decide upon a lock canal, an enormous amount of unnecessary excavation would have been done. If you begin as for a lock canal and then decide upon a sea-level plan, it will be necessary to change the whole arrangement of the slopes at the sides. The expense will be especially increased by the change in the adjustment of the railway tracks and of the machinery. It is to be noticed that the estimate of the total excavation for a sea-level plan is 110,000,000 cubic yards at this cut; for a lock plan only 53,700,000 cubic yards.

There is another reason not quite so important, but a very substantial one. You must take care to exclude the torrential streams from the cut even on its highest levels. It is necessary while construction is in progress to dig ditches on both sides of the proposed excavation to divert the waters of these streams. These ditches will have to be dug through jungles with a great deal of difficulty. Now, if you are going to have a width of 1,100 feet they would have to be outside of 1,100 feet; if a width of 930 feet, you can locate them so much nearer to the center line of the canal and construct them with a great deal less difficulty.

The third reason arises from the method of disposition of the excavated material. In the dredging on the higher levels the

[a] See Plates V and VI for profiles of lock and sea-level canals, respectively.

removal of the spoil is the all-important consideration. Digging can proceed much more rapidly than removal. The question is, Where shall this earth after it is excavated be deposited? If a sea-level canal should be constructed it would be dangerous to locate it in the valleys below the heights, because numerous streams crossing the banks of the deposited earth at right angles would force great quantities of earth toward and into the canal. If, instead, under the lock plan a great lake should be created, this spoil could be placed upon the outer edges of the lake in comparatively quiet waters in which it would settle and be taken care of. At any rate, what would be the case if any one of you were to undertake an enterprise where this all-important question was undecided? You could not prosecute it with the same vigor and vim, with the same certainty in your calculations. And so I appeal to this House, by its vote, at least, to register its opinion in what way that canal is to be constructed, so that there may be no longer any doubt or hesitancy about it. It seems to me it is hardly worthy of us as a people, that, undertaking an enterprise of this nature, after we have waited so long we should still further postpone a conclusive decision. I admit that for years here I advocated as strongly as anyone not going ahead with the enterprise until we knew where it was to be and what its general plan was to be. In 1899, after a Senate amendment on a river and harbor bill, providing for the Nicaragua Canal, I brought in here a conference report which provided for the first Isthmian Canal Commission, appropriating $1,000,000 and directing its members to carefully examine and report upon all routes. I did not believe that the comparative merits of the different routes had been examined. In 1900, when the bill was pending here to go on with the Nicaraguan route, I did not believe we had the data sufficient to enable us to go on intelligently, and I voted with the minority against that bill. Now, after these years of examination, and the work is begun, we should prosecute it with vigor and with no degree of hesitancy whatever. [Applause.]

The CHAIRMAN. The hour granted to the gentleman from Ohio [Mr. BURTON] has expired.

Mr. LITTAUER. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Ohio may be permitted to conclude his remarks. Is there objection?

Mr. MANN. I do not wish to object, but I think we should have a limit of time in some way.

Mr. BURTON of Ohio. I do not think I shall occupy more than fifteen or twenty minutes.

Mr. MANN. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio may have thirty minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the gentleman from Ohio may have thirty minutes longer. Is there objection?

There was no objection.

Mr. BURTON of Ohio. The sea-level canal would not have been seriously considered except for the fact that a Board of Consulting Engineers was constituted not long ago, in which there were some foreign and some American engineers. By a vote of eight to five they favored a sea-level canal. I can readily imagine that a foreign engineer, with less knowledge of locks, with the Suez Canal as the great object lesson before him, would have, if not a bias, at least a predilection for a sea-level canal. It should also be said that two of the eight engineers who favored a sea-level canal in previous reports and when members of previous commissions declared in favor of a lock canal.

Mr. WILSON. How many of the eight were American engineers?

Mr. BURTON of Ohio. Three. General Davis, who, while a very able and learned man, is not a man who has had training as an engineer. He was one of the three Americans. The others were Mr. Burr and Mr. Parsons. Mr. Parsons says that if this were a commercial enterprise, one where a return of 5 per cent or something of that kind were expected, he would think a lock canal entirely proper. Mr. Burr, another member, was a member of the Commission from 1899 to 1902, which decided, after full consideration, in favor of the lock-level canal, and joined in a report to that effect. In the beginning, De Lesseps went there without any plan, without any borings, and went hastily ahead to construct a sea-level canal. After the expenditure of $247,000,000—and it is rather a threatening coincidence when you are told by the majority of this Board of Consulting Engineers that the sea-level will cost exactly the amount that De Lesseps wasted upon it, namely, $247,000,000—it was resolved that they would have to do something. A com-

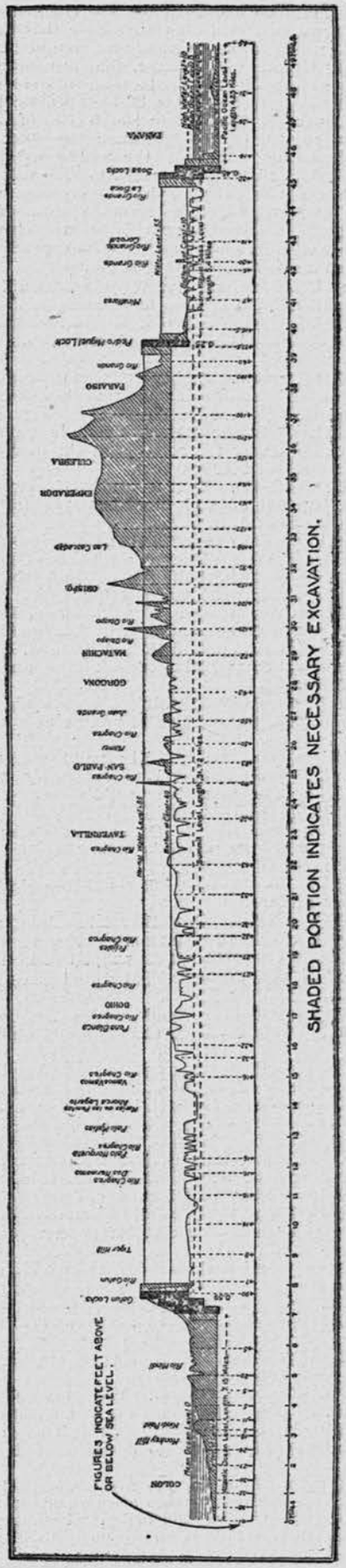


PLATE V.

PROFILE OF LOCK CANAL.

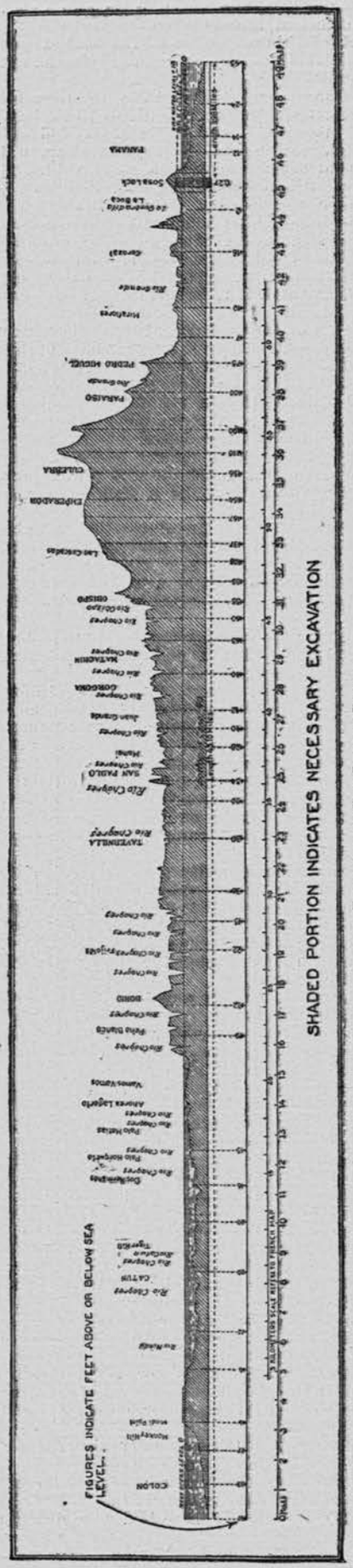


PLATE VI.

PROFILE OF SEA LEVEL CANAL.

mission was convoked for the study of the plans. The members of that commission decided unanimously in favor of a lock canal. They did not put it on the ground of cost, either. Then there was another committee which made a report in 1898. It was called the Comité Technique, and it was intended to include the best engineers in Europe and America, and they unanimously reported in favor of a lock canal. M. Choron, an eminent engineer who was chosen as chief engineer of the new enterprise, in a paper which was read in London, said:

> The gentleman has conveyed a misunderstanding; he seems anxious to convey the idea that I am opposed to the sea-level canal because of its expense, which is not the case. It is because of the impracticability of the plan.

Then the Isthmian Canal Commission of 1899 was constituted, and they reported unanimously in favor of a lock-level canal. In all, thirty-four of the best engineers of the world, including Mr. Hunter and Mr. Burr, two of the eight who recently favored a sea-level canal, declared for a lock-level canal, and there was no opinion given, after mature consideration, by any commission or body of engineers in favor of a sea-level canal until this body, this thirteen, of whom eight favor a sea-level and five a lock canal.

Mr. KEIFER. If the gentleman will permit me, I understand you to say that there were eight of the thirteen favored a sea level and five a lock level? I think it was nine to four.

Mr. BURTON of Ohio. It was eight to five.

Mr. KEIFER. I would like to ask my colleague another question. You have spoken of the number of boards and engineers who have up to a certain day reported in favor of a lock-level canal. Was the question submitted to this Commission (I do not mean the last one) as to the feasibility of making a lock canal and not the cost of making a sea-level canal?

Mr. BURTON of Ohio. By no means. When the question was submitted to this Comité Technique of the type of canal they would build they unanimously condemned the sea level and did not put it upon the ground of cost, but on the ground of its impracticability.

Mr. KEIFER. I understood it was on account of the expense alone.

Mr. BURTON of Ohio. Not at all, although that question was considered. The Comité Technique in 1898 in making their report said, in speaking of the sea-level project:

> It is not possible to think of utilizing the river—

That is the Chagres—

> itself for the passage of shipping, by rectifications studied with this end in view; the irregularity of its flow and the violence of its floods are incompatible with a solution of this kind. The complete diversion of its course to the Pacific, far from the route of the canal, as was formerly suggested and in part studied, would be a colossal undertaking which it does not seem possible to adopt. Hence it is necessary to accommodate the character and needs of the river and canal to those of near neighbors, which it is very difficult to do in the case of a sea-level canal. Even if the outflow of a large part of the drainage basin were confined in temporary reservoirs it must be recognized that it is necessary to provide for the river by the side of the canal an artificial bed capable of carrying a very considerable volume in certain flood conditions. An artificial bed prepared above the level of the canal which could carry so large a flow would represent a work not only very difficult to practically accomplish, but also one which must be a permanent menace to the canal. Thus it may be said that the principal obstacle to the realization of a sea-level canal arises less from the difficulties inherent to the execution of the grand cut at the continental divide than from those caused by the presence of the Chagres in the district which must be crossed before reaching this divide, and that it perhaps would be not too much to insist that here is an insurmountable obstacle to such a conception.

It is noticed that in setting forth these conclusions no mention is made of cost.

Then, again, Monsieur Choron said in 1901, in commenting upon a paper read before the Institution of Civil Engineers in London:

> The paper gave a clear account of the present position of the matter from a technical point of view. The author was not correct, however, in stating that the technical commission's principal reason for putting aside the plan for a sea-level canal had been its cost and the impossibility of its yielding a profit as a commercial scheme. The reason had not been the cost, which, perhaps, might not be a much more important matter than in the case of the plan adopted, but the grave technical difficulties presented by the problem of regulating the Chagres River and protecting the canal against its floods. With a lock canal and the great central lake of Bohio, this problem admitted of easy solution; without that lake it was almost insoluble. Hence the author's view, that the nearer a lock canal approached to the sea level the better it would be, was not altogether justified, because really the inherent difficulty of the regulation of the Chagres River would be seriously increased by lowering the level of the lake of Bohio below that adopted by the technical commission.

Mr. COOPER of Pennsylvania. I would like to ask the gentleman from Ohio if the adoption of a lock canal will obviate all the difficulties encountered from the flood waters of the Chagres River which would arise in case we adopt the sea-level plan?

Mr. BURTON of Ohio. Not altogether. There is no plan of any canal that will do away with all difficulties. You may just as well face that question; but they will be obviated in a far greater degree in this way. The most of the difficulty arising from the flow of waters is solved, and I may almost give an affirmative answer to the gentleman's question so far as the Chagres River is concerned. It will be noticed that the waters of the Chagres River below this dam flow off here [indicating course of the river from Gatun dam to its mouth], and above the dam they are taken care of by it. What I say is that there will always be a degree of difficulty arising from the great rainfall, which so saturates the earth that it erodes readily and is easily carried into the channels and cuts. These dangers would be infinitely greater in the sea-level canal. The number of disturbing streams would be very much greater and would also include all those which under the lock plan would be covered by the lake above Gatun. Then, too, the length of narrow channels in the canal, subject to erosion or overflow, would be multiplied several times over. The element of time at the Culebra cut, in case there is a sea-level canal, assumes great importance. One hundred and ten million cubic yards would have to be taken out and 53,700,000 cubic yards for a lock level. On the sea-level plan it is estimated that fully 40,000,000 cubic yards would be below the water level, much of it in the Culebra cut; it would have to be taken out of the water. Some means of communication would have to be adopted, so it could be carried away by the railway cars or in some other way. The whole problem of the Culebra cut is not so much to dig out as it is to carry away.

Mr. COOPER of Pennsylvania. A good part of the way, then, this lock canal will be above the level of the river?

Mr. BURTON of Ohio. Not all the way. It would be above the level of the river down to here [indicating on the map] and farther up for a considerable distance. An important fact is that its level in the lake created by the Gatun dam would be above the present level of the river wherever it crosses it.

Mr. COOPER of Pennsylvania. Above all danger from flood water?

Mr. BURTON of Ohio. Certainly. So far as the Chagres River is concerned, there would be no danger to the canal from that; but from the other streams and the rainfall there would be some danger.

We come now to the matter of expense.

Mr. HAMILTON. Before the gentleman leaves that point, I should like to ask him, if it was deemed advisable to make a sea-level canal in later years, if the lock type of canal is now adopted?

Mr. BURTON of Ohio. Yes; although it would be a very expensive undertaking. It could be done by putting in locks here at Gatun, and on the Pacific side, by the side of those which were in use, lowering this level behind them gradually, and then, perhaps, another lock here, continuing the dredging or excavation to a still greater depth. It has been estimated that it would cost $208,000,000 to make that change.

Mr. HAMILTON. And it would be impossible for traffic to go on?

Mr. BURTON of Ohio. Oh, no; traffic would continue without any interruption. Of course if traffic were to be interrupted, it would be a much easier matter to excavate to sea level, because then you would let the water out from the upper level and dredge in the dry; but if the traffic continues, as it would have to be continued—because if you establish a commercial route you must maintain it—there would be this great additional expense. I will say, further, that of course if you are going to have a sea-level canal it would be desirable to dig it now—that is, I mean a sea-level canal within twenty or thirty years.

Mr. HAMILTON. If it were deemed better in years to come——

Mr. BURTON of Ohio. Certainly it could be done.

Mr. HAMILTON. To have a wider and deeper canal, it would be possible?

Mr. BURTON of Ohio. Certainly, and the canal not be out of commission while the change was being made.

Mr. SIMS. Here is a question I wish to ask: If for any cause the dam at Gatun should be a failure, then the lock canal must be abandoned. Is that so?

Mr. BURTON of Ohio. That is so. At least the present plan.

Mr. SIMS. What assurance has the gentleman that that dam will be an absolute success? It seems to me that is the question to be decided.

Mr. BURTON of Ohio. The experience of men in building and maintaining dams in more difficult situations, and which are not by any means as massive, in different parts of the world—in India, in California, and even so near as Massachusetts—is a sufficient answer to that question.

Mr. SIMS. Is there any dam now in existence that will compare with this one in the amount of pressure that it will have to sustain?

Mr. BURTON of Ohio. I will say to the gentleman that a very simple principle of hydrostatics will satisfy him on that point. The pressure of the water upon a dam from a comparatively few feet behind it is just as great as it is from 10 miles. That is, in case there is no current, and there would be none here. If you will think of it a moment, you will know that such must be the rule. There will be here a column of water 85 feet high behind a dam 135 feet high, and dams have been built to sustain the pressure of a column of water 135 feet high. There will be no trouble on that score. The only danger that has been suggested is percolation underneath.

Mr. SIMS. I think it is important that that question should be fully considered.

Mr. BURTON of Ohio. I do not think there is any danger on that score whatever. There is another dam up here at Gamboa which would be necessary if the sea-level project were adopted. It is not quite fair for the advocates of one plan here to say, "Your dam is impracticable, unsafe, and founded on the sand, but mine is founded on a rock; mine is sure to be safe," because there is just as much danger at Gamboa as there would be at Gatun; just as much danger under the sea-level project at one place as there is under the lock project at the other.

Mr. SIMS. Would there be a dam or anything except a breakwater?

Mr. BURTON of Ohio. Certainly; there would have to be a dam at Gamboa. How are you going to keep out all this water unless you have one? Also, how, except by other dams, can you keep the water of seventeen or more other streams from wearing down the banks of the canal and swelling the currents of water in it?

Mr. SIMS. I understand what the gentleman refers to.

Mr. BURTON of Ohio. That is a dam to prevent the water from getting into the sea-level canal.

Mr. WILEY of New Jersey. The Oakland dam, at Oakland, Cal., is 115 feet high, whereas this dam at Gatun is only 85.

Mr. BURTON of Ohio. There are other dams which have a greater pressure to sustain without being of such massive construction. It has been estimated that this dam as projected here is six times as large as is required, but I think the people of the United States all appreciate a factor of safety.

I want to speak briefly on the comparative expense. The proposed expense of a lock canal would be, according to the estimates, $139,705,000.

It is true that the majority of the Board of Consulting Engineers did place the figures somewhat higher, but they conceded the cost of a sea-level canal to be $247,000,000, while the minority placed it at $272,000,000. The difference in cost as estimated by the Commission of 1899 was slightly in excess of $100,000,000. The difference in the estimated cost of $108,000,000 has been very generally accepted.

Now, about time. While I would not put my judgment against that of a skilled engineer, I believe the controlling factor of construction under the lock plan will be the locks at Gatun and on the Pacific slope, and these can be finished in eight years, so as to complete the dam, if those who have it in charge can go ahead without embarrassment, in 1914. It is said by those that favor the sea-level canal that it will take twelve or thirteen years. The most tedious process in building a sea level would no doubt be the excavation and disposition of 40 feet depth and 200 feet in width below the sea level for 8.1 miles; and it would take a very brave man to give an estimate as to how long it would take to do that—twelve or thirteen years would be the minimum, and more likely twenty years. I should be glad to hear from some one who favors a sea-level canal of the method to take away this excavation estimated at 12,500,000 cubic yards, located a hundred to more than 300 feet below the natural crest of the hill, and all to be taken from beneath the surface of the water. All engineers who favor the sea level concur in the opinion that as far as excavation is concerned all possible speed should be made with the Culebra cut, as it will require the longest time to complete it. Suppose the plan is to take away the dredged material or spoil by railway; how will you accomplish it? Will the excavation be accomplished by dredge boats working in the water, or will the cut be kept free from water by pumps?

Mr. RHODES. Will the gentleman yield?

Mr. BURTON of Ohio. Certainly.

Mr. RHODES. The gentleman was speaking of the length of time that it would take to construct the different types of canal.

Mr. BURTON of Ohio. There is a wide difference of opinion

about it. Engineers say they can furnish a lock canal in eight years, and those who favor a sea-level canal say twelve or thirteen years.

I have already expressed an opinion both as to cost and time. There are two other things I would like to touch upon.

Mr. ESCH. Will the gentleman answer a question?

Mr. BURTON of Ohio. Yes.

Mr. ESCH. I understand the canal is to be neutralized. I can understand how the Gatun lock would be beyond the range of fire, but under the project as the gentleman has explained it the Sosa dam comes very close to the Pacific coast line and would be in range of fire from battle ships in the Panama Bay. Would it not be better, as suggested by Engineer Stevens, to put the dam at Miraflores or Pedro Miguel?

Mr. BURTON. From a military standpoint, yes; but I am frank to say that in my judgment the only rational control of this canal is by treaty securing neutrality, just the same as the Suez Canal. The best protection is neutrality. So far as any fortress is concerned, I should prefer not to see a fort or a gun on the whole Isthmus, but have it protected entirely by agreement between nations. [Applause.]

Mr. OTJEN. Will the gentleman yield?

Mr. BURTON of Ohio. Certainly.

Mr. OTJEN. The gentleman has said that a lock-level canal would do for fifty years. Is it not probable that it would do for much longer than that?

Mr. BURTON of Ohio. Certainly; and then it could be enlarged. The estimate for enlarging it from a lock to a sea-level canal has been put at $208,000,000, which, added to the $139,000,000 of original cost, would make $347,000,000, as against $247,000,000 for a sea-level canal at the beginning. The Government would, however, save the interest on $108,000,000 between the construction of a lock canal and a change to sea level.

Mr. COOPER of Pennsylvania. How about the cost of maintenance?

Mr. BURTON of Ohio. I have given some attention to that, but I do not think we have any data upon which to base a reliable estimate. It is generally estimated that it would cost more for the maintenance of a lock canal. Why? Because of the maintenance and operation of the locks. It will not do to let every master of a vessel, careless or careful, go through the locks managing his own boat. It will have to be taken charge of by an expert responsible to the Government when it reaches the locks, and thus the maintenance would be a matter of considerable expense.

Mr. BUTLER of Pennsylvania. Will the gentleman allow a question?

Mr. BURTON of Ohio. Certainly.

Mr. BUTLER of Pennsylvania. It is quite as important to take care of the canal after it is built as it is to sail ships over it. Does the gentleman know what progress has been made to secure neutrality for this Zone?

Mr. BURTON of Ohio. I do not know that there has been any effort—there is a general progress everywhere toward the neutrality of canals.

Mr. BUTLER of Pennsylvania. It is the gentleman's opinion that there will be no difficulty in securing a guaranty of neutrality?

Mr. BURTON of Ohio. None whatever. Neutrality for the Suez Canal was secured, all nations joining but one, as I recollect.

Mr. BUTLER of Pennsylvania. There were two or three nations excepted.

Mr. BURTON of Ohio. Yes; but their refusal to become parties to the agreement did not assume any great importance.

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

Mr. BURTON of Ohio. Certainly.

Mr. DUNWELL. The gentleman promised some time ago to give us some opinions in regard to earthquakes. I hope he will.

Mr. BURTON of Ohio. I do not think I could make the subject of earthquakes more attractive to members of the committee than some other subjects about which Members would like to talk, but I will try to say something about it.

Mr. MARTIN. Mr. Chairman, can the gentleman from Ohio give us any comparative estimates of the annual cost of operating these two systems?

Mr. BURTON of Ohio. I would say in regard to that, that several estimates have been made. One places the annual cost at $2,400,000 for the sea-level canal and $2,800,000 for a lock canal. Another estimate is that the cost will be $800,000 more for a lock canal. I think, however, those are all in the air. I do not believe anyone can make any estimate at this time with any degree of accuracy.

Mr. MARTIN. Is not that going to be a very important part of the problem—the annual cost of operating the canal?

Mr. BURTON of Ohio. It is an important problem. But the immediate problem is the completion of the canal, so that it may be ready for use. We expect to receive a return in the way of tolls. It is all a dead investment, and will be until it is finished. On completion the expense of maintenance will depend somewhat upon the amount of traffic. I do not anticipate the traffic will be nearly as large as those who have been most enthusiastic about it expect.

Mr. SIMS. Mr. Chairman, I would like to ask the gentleman a question. If we have a dam and keep the waters of the Chagres from rushing into the canal, will not the checking of the water precipitate the sediment or silt, and will it not, therefore, go into the canal?

Mr. BURTON of Ohio. No; because at times you must discharge through a spillway 15,000 cubic feet per second. In addition to that there are seventeen streams at different places below Bohio, and the cubic discharge of the Chagres is 50 per cent greater 10 miles below Gamboa, where the dam is, than it is at Gamboa. The chances are there would be a very large amount of silt in the canal, but the greatest amount of dredging would not be required naturally, because of silt carried in water, but by reason of the dirt washed into the canal by inflowing streams.

Mr. Chairman, if I have time, I wish to say just a few words in regard to earthquakes. Of course, no construction can be safe against possible earthquakes. I do not believe there is any great difference between the two types of canal as regards that danger. There are divers theories about earthquakes. The old one was that they were due to the fact that the earth was a mere crust on the outside of a molten mass, and that the heated material within was seeking exit. That naturally caused the strata to rise in the places where the pressure was greatest and the crust was weakest. Under this theory earthquakes would be associated with volcanic eruptions. Another theory now is that they are caused by the slipping of strata. The danger of an earthquake to a lock-level canal would not, I believe, rest upon the great locks. Their masonry is too massive to be affected by an earthquake unless it be of a kind almost beyond our comprehension. For instance, at San Francisco in the recent severe earthquake the forts erected by the Government remained intact. Some tall buildings remained intact. The Government building, which was the best constructed, remained intact, or that part of it which was completed. The masonry for these locks would far and away exceed in massiveness any of those structures that survived the San Francisco earthquake. The greatest damage to the locks would naturally fall upon the pipes through the masonry of the canal walls, which convey the water for lockage, and I do not believe that would be very serious. It could be repaired without very serious difficulty.

On the other hand, this great excavation in the sea-level canal, 373 feet deep at the lowest depth and with a maximum elevation rising to 600 feet on one side, would be a shining mark for an earthquake. I do not believe that anyone can argue in favor of one side or the other, so far as the earthquake proposition is concerned. As regards this dam at Gatun, there are some dams in California like the one proposed at Gatun. These survived the shock and retained the water behind them without any difficulty.

Mr. KAHN. Mr. Chairman, I would like to suggest to the gentleman that the water supply of San Francisco is contained in three reservoirs outside of that city—one in Lake Pilarcitos, one in Lake San Andreas, and one in Crystal Springs Lake. Those three lakes were located upon the fault which caused the recent earthquake. They are all artificial lakes, maintained by a dam, and the dam is constructed in a similar manner to the proposed construction of the lock canal; and they all had as severe a shock as could possibly be given, and every one of those three lakes remained intact.

Mr. BURTON of Ohio. Mr. Chairman, I thank the gentlemen of the committee for their very friendly attention. [Prolonged applause.]

The CHAIRMAN. Does the gentleman who made the point of order upon the amendment insist upon it?

Mr. LITTAUER. The point of order was reserved, Mr. Chairman, as I understood it.

Mr. TAWNEY. Mr. Chairman, I ask for the reading of the amendment, in order that we may understand it.

Mr. BURTON of Ohio. Mr. Chairman, may I ask for a moment? The gentleman from New Jersey [Mr. WILEY] has something which he desires to have inserted in the RECORD bearing on this subject, and I know from a cursory examination of it that it is valuable, and I ask unanimous consent that he have two minutes.

The CHAIRMAN. Does the gentleman from Georgia yield?

Mr. BURTON of Ohio. I was not aware the gentleman from Georgia had the floor.

Mr. BARTLETT. I yield to the gentleman from New Jersey for two minutes.

Mr. WILEY of New Jersey. Mr. Chairman, I trust I may be pardoned for complimenting the gentleman from Ohio for the eloquent and instructive lecture which we have all enjoyed. I received this morning from Mr. Noble, who knows more about canals than almost all the engineering profession put together, a very concise and careful statement of the pros and cons in regard to a lock and a sea-level canal, and it is stated much better than anybody else could do it, and I therefore ask permission to insert Mr. Noble's remarks in the RECORD.

Mr. BUTLER of Pennsylvania. Mr. Chairman, I ask unanimous consent that it may be read here.

Mr. WILEY of New Jersey. It is twenty-one pages, and I think it is rather too much to have read at this time.

Mr. BUTLER of Pennsylvania. It would not take over twenty-one minutes to read it.

Mr. WILEY of New Jersey. That is not my request. I will take the gentleman from Pennsylvania aside and read it to him whenever he may desire.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey? [After a pause.] The Chair hears none.

The communication is as follows:

NEW YORK, *June 14, 1906.*

Hon. WILLIAM H. WILEY,
House of Representatives, Washington, D. C.

MY DEAR MR. WILEY: I am sending with this some notes on the Panama Canal problems, which you are at liberty to use in any way you please, with or without mention of the writer. If they prove to be of any interest or use to you, I shall be gratified. Doubtless they are too diffuse; they have been written hurriedly and disconnectedly. If any other points occur to you on which you would like notes, kindly advise me and I will do what I can.

Very truly, yours, A. NOBLE.

Notes on the projects for the Panama Canal submitted by the majority and the minority of the Board of Consulting Engineers.

The salient features of the sea-level canal as a navigation channel are a comparatively narrow channel, which is 150 feet wide at the bottom, with sloping sides for a length of about 20½ miles where the excavation is entirely in earth; 200 feet wide at the bottom for 19½ miles where the bottom is in rock or the so-called "indurated clay," and the remainder of the total length of 49.35 miles is made up mostly of harbor entrances and has widths of 300 to 500 feet. For about half the length of the 200-foot channel the sides are wholly of rock or indurated clay and vertical from the bottom to and above the water surface, but in the remaining half the top of the rock is under water, the earth sides above the top of the rock sloping to the water surface and above. A tidal lock is located near the shore of Panama Bay to be used to lock up from the Pacific into the canal at low tide and down into the canal at high tide. The extreme variations from mean tide are about 11 feet, making the maximum oscillation about 22 feet. The usual range of spring tide is 18 to 20 feet.

The main features of the lock canal, from the navigation point of view, are its locks and its broad navigation channels. Excluding the locks, there are less than 5 miles of channel which is less than 300 feet wide at the bottom, and more than two-thirds of the entire length varies in width from 500 feet to lakes miles in width.

SUEZ CANAL IS THE BEST EXAMPLE OF A SEA-LEVEL CANAL.

The best example of a sea-level canal is the Suez Canal. The depth of this canal is 31 feet, or 77½ per cent of the depth proposed for Panama. The present minimum width is 108 feet, or 72 per cent of that proposed for Panama, but is to be increased in the near future to 147.6 feet, which will be 98½ per cent of that proposed for Panama. In proportion to depth the width of the improved Suez Canal will be considerably better than the proposed sea-level canal at Panama, the bottom width of the Suez Canal being four and three-fourths times its depth, while the width of the sea-level Panama Canal is to be only three and three-fourths times its bottom width. For the largest ships which can pass through the respective canals the Suez Canal is obviously safer, as it has greater proportionate width.

ST. MARYS FALLS CANAL AND ST. MARYS RIVER BEST EXAMPLES OF USE OF LOCKS AND NAVIGATION IN EXCAVATED CHANNELS

The best example of a lock canal from the traffic point of view is the St. Marys Falls Canal, which completed its first fifty years of successful operation a year ago. While the canal is itself short, less than 2 miles long, in its neighborhood is a succession of artificial channels through islands, reefs, and shoals, with materials varying from mud to rock, the width varying from 300 to 1,500 feet, and the aggregate length exceeding 20 miles; through a somewhat greater distance the navigated channel passes through rivers and small lakes, where the free width is greater and the points of shoals projecting from the land on either hand are marked by buoys. Center-line ranges are established for both classes of channels. The sailing conditions are therefore very similar to those which would be obtained in the proposed lock-level canal at Panama. The ships traversing these channels are of larger average dimensions than those of any other lock canal in the world, and the annual tonnage through them is many times greater. It has been objected that the St. Marys Falls Canal is not a safe precedent for a Panama canal, because it is not a "maritime" canal. This is a mere play upon words. It has been said that the ships plying the Lakes are built to suit lock conditions. This is entirely erroneous. They are built for various uses—to carry passengers, to carry package freight, to carry grain, to carry iron ore, etc., but mostly to carry ore. There are no special appliances to enable them to pass canals, and none are needed. Any ship furnished with lines to tie up is adequately equipped to pass a canal. In view of its long and successful existence, the minority of the Board was warranted in considering the experience obtained there as perfectly applicable to the Panama lock canal, and that experience was much greater than had been gained anywhere else.

DELAYS AT LOCKS AND TRAFFIC CAPACITY.

It is evident that while ships arriving at Gatun from the Atlantic may come more rapidly than they can be locked through and therefore delayed there, they will be spared, in point of time, by passing the locks and then proceeding in regular order through the stretch to the next locks (at Pedro Miguel), and will be further delayed little or not at all awaiting lockage at Pedro Miguel; and the same at Sosa. In like manner, ships arriving at the Pacific may be delayed at Sosa awaiting lockage, but will find the Pedro Miguel and Gatun locks ready on arrival. This kind of delay, due to the bunching of ship arrivals, would occur with the sea-level canal at Sosa for ships from either direction and to practically the same extent as with the lock canal, unless, as some of the sea-level advocates hope, the tide lock can be left open a part of the time. Whether this is practicable and time saving is questionable. Mr. Tincauzer stated that the Kiel Canal North Sea lock is never opened through. At the Manchester Canal the charter requires that flood tide be admitted in order to discharge a volume of water from the canal into the Mersey at a point farther up to contribute to the scour of the river, a requirement justly considered onerous, and was unsuccessfully fought by the canal corporation. Mr. Bates states (p. 1690, Senate committee hearings, 1906) that no ships enter the Manchester Canal with the inflowing tide, so that the assumption of large saving of time by leaving the tide lock open is not quite warranted, and it is probable that the time lost waiting for a change of tide would be fully as great as the time required for lockage. The St. Marys Falls Canal affords valuable data as to the traffic capacity of a lock canal which, with due allowance for the greater number and size of locks at Gatun, are applicable at Panama. In the heavy traffic months of 1905 the traffic through one lock at St. Marys Falls Canal was at the rate of 40,000,000 tons per year; with duplicate locks, which are to be provided at Panama, this would be doubled, as the capacity of the St. Marys Canal lock is not nearly reached; the capacity of the Panama locks would be much greater, and if the ships were of greater individual tonnage, as will surely be the case at Panama before the traffic capacity of the locks is approached, the capacity of the locks would be correspondingly increased on that account, and an enormous aggregate would be reached. On the other hand, the greater lift, dimensions, and number of locks at Gatun would diminish the traffic capacity. Some time must also be lost refitting and making repairs to locks and machinery, but with ample allowance for all these an enormous tonnage, which the minority believe would be as much as 80,000,000 tons annually, could be passed without serious delays. It can not be insisted on too strongly that this estimate is firmly grounded on actual experience.

Vessels do not arrive at a port in uniform daily number, but for various reasons, largely from stress of weather, arrive in "bunches." When the capacity of the locks is approached and before it is reached, the delays to the last ships of the bunches become considerable, and when these delays become very large the traffic capacity of the locks is to be considered reached, although a still further increase is possible. The minority of the Board kept this consideration in view, and its estimated traffic capacity has reference to the amount which could be passed without serious delays.

One of the advocates of the sea-level canal stated before the Senate committee (see page 1587 of hearings) that "all the ships that pass the Soo lock pass it practically on schedule time. * * * There is a regular procession of vessels—that is what it amounts to—with fixed intervals between them. It is precisely like a railroad schedule. This is not an exaggeration." In regard to this statement I can only say that it is astonishing that anyone who has had the least information about that traffic could make such an erroneous statement, and I regret that Senator KITTREDGE was led to accept it. The passenger steamers, a very small proportion of the whole, keep within a few hours of schedule during two or three months of summer, varying more in the spring and fall; but nearly all of the vessels are freight carriers only, loading at various ports and unloading at various others, often delayed in both operations, but always leaving port immediately when ready, losing the least possible time, and running absolutely without schedule.

The section of channel less than 300 feet wide in the Panama lock plan is so short that the traffic capacity of the channel is unlimited, and as the capacity of the locks for traffic is limited, the sea-level advocates say truly that the traffic capacity of the lock canal is fixed by the traffic capacity of the locks. If, however, the vast capacity of the duplicate locks should be reached, others can be built, as has been done at the Soo, and the capacity increased to any desired extent. The need of such an increase of facilities implies such a prodigious development of the world's wealth that the cost of any needed increase of facilities would be no great burden. The same remark is true in a degree for the sea-level project, but I have not the slightest doubt that the demand for a broader channel in a sea-level canal would be made and met long before there would be any need of increased lock facilities in a lock canal, so that with a sea-level canal the burden of improvements would come earlier when the cost could not be as well borne.

SUPERIORITY OF BROAD CHANNELS.

That a demand for a widening of the sea-level canal would arise very soon can not be doubted by anyone who is informed as to the universal experience in waterways all over the world and considers the matter dispassionately. The Suez Canal was first made 26 feet deep and 72 feet wide at bottom, and was opened to navigation in 1869. A better channel was demanded almost immediately, although the average of ships was much smaller than now. The widening of the channel was opposed by many engineers and navigators, as stated before the Senate committee (p. 2172, hearings), some of whom even insisted that a wide canal would be more dangerous to vessels and that the proper course was to build a second canal of the same width as the existing one. Fortunately this was not done. The channel was widened and deepened with great benefit to navigation, and I refer to this ancient history of error only because the arguments for a narrow channel have been recently repeated before the Senate committee in justification of the sea-level width.

In the year 1886, before the Suez Canal was enlarged, 6.1 per cent of the ships passing through it ran aground. This delayed other ships to the extent of 9 per cent of the number passing—in other words, 15.1 per cent of the ships passing the Suez Canal in 1886 were delayed either by themselves grounding or by being obliged to wait because the channel was choked by grounded ships. In 1899, after the bottom width had been increased to a minimum width of 108 feet and in some

stretches to 118 feet, the groundings were reduced to 2.1 per cent and the number of other delayed ships to 4.4 per cent, or a total of 6.7 per cent, or considerably less than half the proportion in the narrow channel. In the following year, 1900, the proportion of ships grounding was further reduced to 1.9 per cent; of other ships delayed thereby, 2.7 per cent—making a total of 4.6 per cent.

As the traffic in a narrow waterway increases, the risks to the ships increase by reason of the greater number of meetings, and therefore it is interesting to compare the proportion of ships delayed in the Suez Canal with that in the broader excavated channels between Lakes Superior and Huron. In the latter the number of groundings in 1905 was thirty-four, which was about one-tenth of 1 per cent of the number of ships passing. The length of these channels is only about one-fourth that of the Suez Canal, so that the above per cent should be multiplied by four, making 0.4 per cent, which is to be compared with 1.9 per cent, the best figure quoted for Suez. The average daily number of ships passing through the Soo channels in 1904 was about sixty-five, while the daily average through the Suez Canal was eleven in 1900; but notwithstanding the vastly greater density of traffic in the American channels, the danger of grounding was only about one-fifth as great. If the record of the groundings in the American channels for 1905 had been taken, the comparison would have been still more and far more favorable to them. The only reason for the comparatively favorable showing is the greater width of the American channels. Yet, with the facts as to the safety of navigation in these broad channels fully before him, one witness before the Senate committee questioned, or rather appeared to question, their relative safety, and over some three or four pages of testimony, in which, however, no direct, unqualified statement to that effect can be found.

The foregoing data are conclusive as to the greater safety of ships in broad channels as compared with narrow ones. It only remains to consider the safety of ships in locks and approaches to complete the comparison. In the report of the minority of the Board it was pointed out that the danger to a ship in the ordinary operation of a lock is practically nil, and this view was supported by the experience of fifty years at the Soo canals, with a total traffic of 360,000,000 tons, which greatly exceeds that of all the four best known and largest foreign ship canals. During the first nineteen years after the opening of the St. Marys Falls Canal, from 1855 to 1874, before the bottom width of the channel had been everywhere increased from 65 to upward of 100 feet, and while a rock slope remained in some portion, it was not unusual for a vessel to collide with the rock, with injury to bilge or wheel; but since the latter date ships sustain no injury in the canal, and as the approaches to the Panama Canal lock would be 250 feet wide and the sides vertical, ships would be even safer there. So far, therefore, it is obvious that the ship would be safer in a lock canal at Panama than in a sea-level canal.

ACCIDENTS AT LOCKS.

Only one other possibility of danger to ships in a Panama lock canal remains to be considered, which is that a ship bound down from the summit level may run down the gates of the upper lock, resulting in great injury or destruction to the ship as well as very serious injury to the canal and a long delay to navigation. This subject is treated so fully in the report of the minority of the Board (see page 89 et seq. of the report of the Consulting Board) that little can be added. The immunity from such accidents at the Soo canals during their entire existence, covering more than fifty years, is cited and the facilities for controlling the movement of ships explained, the absence of which at the Manchester Canal sufficiently accounts for the less successful experience there. I have read the rejoinder of the chief engineer of that canal to this portion of the report of the minority of the Board, which still leaves the conviction that if the Manchester Canal had been provided with long approach piers to the locks instead of having none, and if the regulations had required ships to be brought to rest alongside of them when still several hundred feet distant from the lock, with such requirements in regard to speed and number of lines out to shore when entering the lock similar to those enforced at the Soo canals, the accidents would doubtless have been avoided. The report of the minority of the Board proceeds to show how the risk can be diminished by additional gates, so that the summit level will always be protected by two pairs of gates, and if one of them should be carried away the danger to the other would not be great, so that the summit level would not be broken, and also points out that in other canals devices have been provided for shutting off the current, even if all other precautions should fail and the summit level be opened. Mr. Parsons misconceives the character of these devices and describes something the minority of the Board did not have in mind (page 1759, hearings). He appears to say that the minority did not finally provide for this device, but a reference to the detailed estimates will show a provision for it. At the Soo canals, where suitable approach piers have been provided, the locks have never been seriously harmed; at Manchester, which is remarkable by the absence of these precautions, gates have been ruined, and although even here no great disaster resulted, but the margin was doubtless small. The lesson from these conflicting experiences that better facilities should be provided at the Manchester Canal seems obvious. The minority make no claim that locks are not disadvantageous, but hold that their inconvenience and hazard have been grossly exaggerated. The inconvenience amounts to a delay of about four and one-half hours to ships passing the canal, which, for all except small ships and a small traffic, is more than compensated for by saving of time in the lake navigation.

The sea-level advocates have claimed that the upper lock of the Gatun flight would not have a usable length of 900 feet, as intended by the minority, unless the summit level were deprived of half its gate protection and left protected by a single pair only instead of two pairs, as claimed by the minority. The point was first raised by Mr. Parsons in the hearings, and when first brought to my attention I was inclined to agree with him, but a brief examination showed that he was in error, and I corrected my statement so as to show how a ship of the full length of 900 feet would be passed without leaving the summit level unprotected for a moment by less than two pairs of gates. General Ernst also took up the question, and in more detail in his statement before the committee. The locks proposed by the minority have a usable length of 900 feet and a usable width of 95 feet.

Several witnesses before the Senate committee have criticised with special violence the flight of three locks proposed at Gatun. Premising that it has been shown by the minority that the danger of a ship breaking through the gates of a properly designed and equipped canal is very small, it may be said at once that if such an event should happen, the greater the number of locks in the flight and the greater the lift the greater the probable injury to ships and gates; but, on the other hand, there is even less chance of such an occurrence in a flight of three locks than in three separate locks, because the movement from one lock into another involves even less risk than the movement from the approach into the first lock. The reason for adopting the project with three locks at Gatun was not, as one witness before the Senate committee asserted (p. 1768 of hearings), that the minority adopted this project because it was cheaper. This statement was unwarranted, because the witness could not have had full knowledge of the views of the five members of the minority and because it is not true. The project adopted was preferred because it gives a better navigation and is less complex, having fewer dams and waterways than any other project in which broad navigation channels are preserved in any degree. The same witness stated, also erroneously, that the minority adopted 900-foot locks because the Gatun site would not permit building them 1,000 feet long (p. 1761, hearings). The reasons for recommending a width of 95 feet and a usable length of 900 feet are given fully in the report of the minority of the Board (pp. 80, 81, and 82 of Report of Board of Consulting Engineers). The matter may be thus summed up: The combination of three locks in a flight renders an accident to a lock or a ship a little more improbable, but if an accident should occur the result would probably be more serious. The immunity from accidents at the St. Marys Falls Canal is cited as showing how small the chances of accident are. The advantage of the flight at Gatun, as compared with other possible projects, is the smaller number of dams and waterways and the better navigation, and incidentally, but only incidentally, the saving in cost.

I will note only one more point raised against the design of the locks. One of the witnesses advocating the sea-level plan before the Senate committee expressed a doubt whether a ship like the new Cunarders could pass the locks proposed for the lock canal (p. 2178, hearings). These ships are to be about 800 feet long, 88 feet wide, and 38 feet draft. As the clear lock length of 900 feet and clear lock width of 95 feet are in excess of the length and beam of these ships the doubt must relate to draft, and apparently was so understood by Senator KITTREDGE, who, in his speech of May 28, 1906, said:

"Furthermore, it is shown in the testimony that inasmuch as the summit level of a lock plan is necessarily of fresh water, the locks proposed by the minority do not afford sufficient depth of water in them to pass ships drawing 38 feet of water, which the largest ships now building will require." (See CONGRESSIONAL RECORD, page 7734.)

A sufficient answer is to state the facts briefly. For the reason that salt water is heavier than fresh water, a ship drawing 38 feet at sea will draw 39 feet in fresh water. The minimum depth of water in the summit level of the canal and the summit-level lock will be 42 feet, leaving 3 feet of water under the keel, which is ample and more than would be found under the keel near the Atlantic end of the sea-level canal at mean or low tide.

THE GATUN DAM.

The serious study of the Gatun dam site has followed the discovery that the conditions at Bohio are less favorable than had been supposed, and it would be of interest to review briefly the recent history of the Bohio project. The engineers of the French company were aware that coarse material existed at the site adopted by them for the Bohio dam, but believed the surface clay to be continuous and to form a blanket practically water tight. The dam proposed by them was to carry only 66 feet head of water; its crest was 49 feet wide and 10 feet above the surface of the reservoir. At the water line its width was 93 feet, or one-quarter of the width proposed for Gatun; at the base, about 450 feet, or about one-sixth the base width proposed for Gatun. There was to be no core wall. The dam proposed by the Isthmian Canal Commission of 1899-1901 was intended to carry a greater head of water, its maximum height to be 92 feet, or 40 per cent more than the dam proposed by the French. Some of the borings taken by the Commission showed that there were places in the vicinity of the dam where the permeable material in the river bed was continuous with that in the bottom of the valley. On the French location the Commission's borings showed that the depth to rock "was at least 143 feet below sea level at the deepest part;" but another site was found a few hundred feet farther downstream, where "the greatest depth to rock revealed by the borings was only 128 feet below sea level," and the Commission chose this site The dam was to have slopes of three horizontal to one vertical on both sides. The crest was to be 8 feet above the surface of the reservoir, its width at top 20 feet, and its base about 650 feet. It was to have a core wall composed of caissons filled with concrete sunk end to end by the pneumatic process to bed rock, surmounted by a concrete wall.

One member of the board, the late George S. Morison, who most engineers concede was by far the ablest engineer of his time, was never satisfied with this dam, and in 1903 presented to the American Society of Civil Engineers a remarkable paper on this subject, in which he advocated a dam corresponding in its essential features to the one proposed by the minority of the late Board of Consulting Engineers for Gatun. The dam was to be 2,000 feet wide, about three-fourths of the width proposed for the Gatun dam, and the head of water to be sustained, 92 feet, was a little greater than proposed for Gatun. He chose the French location, notwithstanding the greater depth to rock, and challenged the high estimates of permeability of the underlying sand and gravel which some had made, using data collected by Mr. Allen Hazen, a distinguished hydraulic engineer, and by Mr. F. P. Stearns, chief engineer of the metropolitan water and sewerage board of Boston, since then a member of the Board of Consulting Engineers for the Panama Canal and one of the minority of that Board. His project was much discussed and his views widely accepted.

The first Commission appointed to construct the canal, of which Admiral Walker was chairman, caused additional borings to be made at Bohio and found that the lowest part was at least 165 feet below sea level, which made sinking of caissons to rock so extremely difficult as to amount to impracticability. In the meantime the project for a dam at Gatun, which had received some consideration thirty years ago, was revived, mainly by means of a paper read before the American Society of Civil Engineers by Mr. C. D. Ward. The result of this was an examination of the Gatun site by means of borings. Although disappointing in not revealing rock at a moderate depth, a more careful study of the results indicated that this might be a favorable site for a great earth dam. Additional borings were requested by the Board of Consulting Engineers and made by the present Isthmian Canal Commission, and with the information thus collected the project now under such general discussion was prepared.

The Gatun dam is not unprecedented either in length or height, but the area of the opening to be closed by it has seldom, if ever, been equaled.

In speaking of the height of a dam, reference should be had to the head of water supported, when considering the work it has to do, rather than the height of its crest, because additional height above the surface of the reservoir only adds to its stability. In respect to head of

water sustained, the Gatun dam is exceeded by several earth dams; it is largely exceeded by many masonry dams, and the Gamboa dam, proposed for the sea-level project, would exceed it nearly 50 per cent. The total length of the Gatun dam would be about 7,700 feet along the water line. For a little more than 5,000 feet the head of water against it would be 50 feet or more, and in this respect, and this only, the magnitude of the work it has to do is unprecedented. It has also unprecedented magnitudes in its features for giving greater safety, the height of crest being 50 feet above the surface of the reservoir instead of 5 to 20 feet, as customary; its breadth at the water surface being 374 feet instead of the usual 20 to 50 feet, and its breadth at the base being the immense dimensions of one-half mile, which is several times that of any existing dam of equal height. The distinction between the magnitude of the work it has to do and the magnitude of the features adding to and insuring safety have been confused in the discussion of this dam, and each of the three great magnitudes has been presented as adding hazard, while, in fact, two of the three add to safety.

The ground on which the dam will be built is a clayey material, in which pockets of sand were found in the borings, and the deepest portions of the ancient gorges, two in number, were found filled with sand and gravel. The underlying material, into which most of the borings penetrated, was somewhat like that found in the lower portions of the Culebra cut, sometimes called "rock," but more appropriately termed "indurated clay." It is expected to stand vertical in the sides of the canal in that cut without protection. It is water-tight, and will carry any load. The material near the surface has been described by sea-level advocates as "mud," but the borings showed this is not the case. A great part of it is so firm, and the material contains so much clay, that borings were made through great depths without protecting the sides by driving pipes, which are usually necessary in making borings, although pipes were generally used at Gatun in the tops of the holes. From some of the sand pockets water flowed over the tops of the pipes. This circumstance has been seized by the sea-level advocates as showing a free connection with the Chagres, from which a conclusion was drawn that water would permeate freely through it. That water did not permeate through it freely was shown conclusively by the small outflow; and the impossibility of a free connection with the Chagres was evident on the least reflection, from the fact that the tops of the pipes from which overflow occurred were several feet above the river level. The slope of the river is so flat that its surface for 10 miles upstream is below the tops of the pipes, and therefore the water could not have come from the river. The case was the ordinary one of ground water gradually draining through the ground to the water course, and filling sand pockets or sandy soil wherever met. The height of the pipes above the river in the vicinity proved conclusively that there could be no free communication with the river, and the overflow under such conditions showed the material between the boring and the river was permeable in only a slight degree, if at all. The finding of pieces of wood in some of the borings, instead of being a cause of alarm is reassuring, indicating that the current when it was deposited was gentle, a condition in which the finer particles of earth are also deposited, making compact material, as contrasted with gravel, which is deposited in or carried along by strong currents.

The present bed of the Chagres as far down as Bohio, 10 miles above Gatun, consists largely of gravel, and the river above Bohio is torrential in flood time. From Bohio to the sea the valley is broad, the current slackens, and only the finer particles are carried in the water and are deposited in the slack current. Under present condition and during recent geological periods it does appear probable that any coarse material has been carried far below the gorge at Bohio. Geologists believe that at some distant time there was a subsidence of the Atlantic coast. Before that time the gorges at Gatun were cut down into the indurated clay, and after this the whole formation subsided below sea level. The coarse sand and gravel in the bottom of the deepest gorge, revealed by the borings, was doubtless deposited either before the subsidence or at an early period of it when the current of the river through the gorge was still strong enough to move gravel. As the areas under water upstream became larger the gravel was dropped above Gatun, and only the fine material was brought there, and the upper portion of the gorges gradually filled with it as it is now found. The great advantage of Gatun over Bohio as a dam site is, that at the latter place the gorge is nearly filled with gravelly material, which in places is continuous from the surface to bottom of the gorge; while at Gatun the gravelly material is at the bottom of the gorge and is overlaid by 150 to 200 feet of fine material, through which percolation will be inappreciable.

Most engineers would prefer a masonry dam on solid rock, and my own preference has always been for this type; but the foundation rock must be of good quality to secure safety. Many question the advisability of inserting a core wall in an earth dam, but the practice has abundant support among capable engineers, although it is particularly important that the rock on which a core wall rests should be perfectly sound. The criticism of the original plan of the Croton dam, made by Mr. William R. Hill and quoted by Senator KITTREDGE, and the statement made by Mr. Hunter in his letter to the Senate committee in regard to the difficulties in the construction of a dam for the borough of Stockport, arising from finding the material on which the core wall was to be placed much inferior to what the borings had led the engineer to expect, are suggestive of similar difficulties at the site of the Gamboa dam if the sea-level plan should be adopted and the dam built. The region is volcanic, the rock variable in quality, the borings have not penetrated deeply into it, and it would not be surprising if disappointing conditions should be found there. It is not my desire to provoke alarm about the stability of the Gamboa dam, and I am confident that no difficulty would be met there which engineering skill could not overcome.

My own preference for a masonry dam where it is practical to build one has been frequently expressed. I favored the plan of a dam with a core wall for Bohio when a member of the Isthmian Canal Commission of 1899–1901. I did not readily accept the plan proposed by Mr. Morison for the Bohio dam, although convinced that the discussion of his paper developed no fact or weighty argument against his view. The additional investigations concerning permeability made and reported by Mr. Stearns, the immense height and width of dam proposed for Gatun, elements of safety in magnitude beyond all precedent in earth dams, and the more favorable natural conditions there for an earth dam leave, in my opinion, no question whatever as to its stability and practical impermeability.

CURVATURE.

The sea-level advocates before the Senate committee stated correctly that the total curvature in degrees or, in other words, the total change in direction is a little greater in the lock plan than in the sea-level plan. The difference is small and unimportant. The excess is found mainly at Bohio, where the sea-level canal is located across the hill, while the lock canal, by reason of its higher elevation, can be located satisfactorily around it, following the valley. The facts as to sharpness to curvature have not been fairly stated by them. There is no place in the lock-plan canal where a curve of the ruling radius of the sea level can not be laid down. In other words, in any of the places where a change in direction occurs in the lock-plan canal, a section of the sea-level canal of its usual curvature could be placed without touching anywhere the sides or bottom. With a narrow canal long easy curves are essential, as shown by ample experience at Suez and elsewhere, and the sea-level canal is designed correctly in this respect. On the other hand, in broad channels, widened at the angles on the inner side, as in the lock plan, vessels will make the turn more easily and safely by turning more sharply, which the broad water permits. This is also shown by even more ample experience in the St. Marys River. In the lock plan ships could make all the turns on curves as easy as those of the sea-level canal; but experience shows that with broad channels the ships are handled differently and with advantage. This is illustrated by several diagrams attached to the report of the Board of Consulting Engineers, on which the actual courses followed by quite a large number of ships in similar cases are laid down.

EARTHQUAKES.

The San Francisco earthquakes have evoked from the sea-level advocates renewed alarm about the danger to the locks and dams of a lock canal. One of them (see page 7733, CONGRESSIONAL RECORD), after describing how either a masonry or an earth dam, particularly the latter, might be harmed by an earthquake, adds, "Personally I should not be afraid of either of them," which seems to be a judicious conclusion. The locks, however, he believes would be subjected to derangement, the summit level drawn off, and the lock mechanism thrown out of order. This opinion must have been written before the reassuring reports reached us of the entire immunity of the dams along the line of greatest earthquake intensity, both of earth and of masonry. An earthquake that was withstood by lofty steel-frame buildings could not be reasonably expected to destroy a mass of masonry practically buried in the ground. Many references have been made to "the delicate adjustment of lock gates" and to "delicate lock machinery." A lock gate is about as simple and massive a piece of structural work as can be imagined, and could be operated even if the walls of the lock were slightly displaced. Lock machinery is of the simplest character. The San Francisco earthquake should dispel rather than encourage apprehension about an isthmian canal of any description.

Mr. BURTON of Ohio. Mr. Chairman, I wish to ask the usual leave to extend my remarks in the RECORD, as there may be some tables, etc., which I desire to insert.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio? [After a pause.] The Chair hears none.

Does the gentleman from Georgia insist upon the point of order? Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. BARTLETT. Now, Mr. Chairman, I raise the point of order, and I think it ought to be sustained. This is not a limitation upon an expenditure of money solely. It undertakes to limit——

Mr. LITTAUER. Do I understand the gentleman from Georgia insists upon the point of order?

The CHAIRMAN. The gentleman from Georgia has made the point of order and is proceeding to argue it.

Mr. BARTLETT. If anyone desires to discuss the question, I am perfectly willing to reserve the point of order.

Mr. GROSVENOR Will the gentleman from Georgia yield for a moment, that I may make a request pertinent to the discussion which has just taken place?

Mr. BARTLETT. Certainly; I will state to the gentleman from Ohio that if anybody desires to discuss the proposition I will reserve the point of order. All I desire is to have it reserved and passed upon.

Mr. GROSVENOR. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio [Mr. BURTON], in connection with the extension of his remarks in the RECORD, may print—reduced copies of course—the maps with which he has illustrated his address and such documents as——

Mr. TAWNEY. I will suggest to the gentleman from Ohio that the request ought to be in the form of an order. Under the law it could not be done except by the consent of the Joint Committee on Printing, but the House, of course, can order it to be done.

Mr. GROSVENOR. I ask unanimous consent, Mr. Chairman, that the Joint Committee on Printing may be directed to print these maps.

The CHAIRMAN. The Chair is of the opinion that the Committee on Printing could order that.

Mr. GROSVENOR. Not without the action of the House.

The CHAIRMAN. But the action must be taken in the House, and not in Committee of the Whole.

Mr. GROSVENOR. Very well; I will postpone it until the House is not in Committee of the Whole.

Mr. BARTLETT. If anybody else desires to discuss the proposition, I am perfectly willing to reserve the point of order. If not, I desire to make it and have it ruled upon. Now, the amendment, as I understand it, is a proposition to limit not the amount, but the proposition is to limit the discretion now vested

by law in the President as to how this canal shall be constructed and what its character shall be. Under the law enacted in 1902 the President was directed as follows:

The President shall then, through the Isthmian Canal Commission hereinafter authorized, cause to be excavated, constructed, and completed, utilizing to that end, as far as practicable, the work heretofore done by the New Panama Canal Company, of France, and its predecessor company, a ship canal from the Caribbean Sea to the Pacific Ocean. Such canal shall be of sufficient capacity and depth as shall afford convenient passage for vessels of the largest tonnage and greatest draft now in use, and such as may be reasonably anticipated, and shall be supplied with all necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean, and he shall also cause to be constructed such safe and commodious harbors at the terminl of said canal and make such provisions for same as may be necessary for the safety and protection of said canal and harbors.

The President, in his message, said that under the act as he had construed it Congress seemed to contemplate a lock canal. Now, Mr. Chairman, if that be true, the discretion being vested by this act of 1902 in the President to proceed as he has done, to finish and complete a lock canal, and which he will do, this provision is unnecessary and this simply reenacts existing law, and is therefore obnoxious to the rule. I will read to the Chair an authority which I find on page 349 of the Manual, decided in the Fifty-eighth Congress:

A limitation on the discretion exercised under the law by a bureau of the Government is a change of law.

Now, Mr. Chairman, I do not mean when I make this point of order that I am in favor of a sea-level canal. I do not want to convey that impression. I do not want to say by that that I have come to the conclusion that we ought to have a lock canal or I am in favor of that kind of canal; but what I do mean to say is that I do not think that we ought on this appropriation bill to determine by this amendment that we are to decide now in this way to have the particular kind of a canal that is suggested by the amendment. As we know, if I may be permitted to say so, the Senate is now considering the question as to what type of canal it will declare shall be built—a lock canal or a sea-level canal—and they are to determine that question by a vote on next Thursday, the 21st instant. The Committee on Interstate and Foreign Commerce of the House have not considered anything in reference to this subject except to hear the testimony of the chief engineer, Mr. Stevens. I make this statement in order to show that I do not make the point of order for the reason that I am opposed to a lock canal or because I am in favor of a sea-level canal. But I do not believe that this House, in this great work that we are undertaking, ought now and in this manner limit the character of the canal. I believe this amendment is obnoxious to that provision of the rule which says that we can not change existing law or enact new legislation on appropriation bills. This is a limitation, as I understand it, on the discretion that is vested in the Executive by the act of 1900, and not merely on the manner of expending the money, and it does change the law as it now exists.

Mr. OLMSTED. Mr. Chairman, this seems to me to be a very plain case. The proposed amendment does not change the law. It simply limits the appropriation. It has been held over and over again, and it really needs no argument to show, that by withholding an appropriation entirely Congress does not change any existing law. It may be, as the gentleman from Georgia says, that the President now has, under existing law, the discretion to build the canal either upon the sea-level plan or upon the lock plan, but surely if Congress should withhold an appropriation entirely it would not change that law. We would simply leave the President in the air. He could do nothing, but Congress would not have changed any law.

It has been repeatedly held that as Congress may entirely refrain from appropriating, so it may appropriate with such limitations and conditions upon the appropriation as it sees fit. It may not, or at least the House may not, under its rules, lay any command upon the President or any other officer, any positive command to do any particular thing in any particular way in a general appropriation bill, but we may appropriate money to be used in a particular way, or else not used at all. We simply refuse to appropriate money to be used in any other way.

Mr. BARTLETT. May I interrupt the gentleman?

Mr. OLMSTED. Certainly.

Mr. BARTLETT. I desire to ask the gentleman, if this amendment prevails, would it not become a permanent law so far as the character of the canal is concerned?

Mr. OLMSTED. It would become permanent only so far as the amount of money appropriated by this bill is concerned. It would not be incumbent or necessary for the President to use the money at all. In that sense it would not control his discretion. Congress says he may use it for a lock canal, but Congress says we appropriate nothing for a sea-level canal.

Mr. BARTLETT. If the effect of the amendment does enact the permanent canal to be constructed, then it would violate the rule, would it not?

Mr. OLMSTED. If we enacted a law here expressly commanding——

Mr. BARTLETT. If the effect of the amendment is to fix permanently the character of the canal, then it does violate the rule.

Mr. OLMSTED. No more than in the sense that if we should not make any appropriation at all we might be held to have violated the whole law on the subject of the canal.

Mr. Chairman, I am not going to take up time on this, but simply call your attention to a decision made by the gentleman from New York [Mr. PAYNE], then in the chair, found in section 514 of the book on Parliamentary Precedents, where it was ruled by the gentleman I have mentioned that although the Postmaster-General had under the law discretion to transport the mails any way he saw fit, nevertheless a provision in an appropriation bill limiting a certain appropriation so that it could be used only for transportation of mail by pneumatic tubes was in order.

I will call attention to a later decision, in the second session of the Fifty-eighth Congress, found on page 2877 of the RECORD, which I will send to the Chair, in which the then occupant of the chair [Mr. BOUTELL] called attention to an earlier ruling made in the same Congress. He cited this from the earlier ruling:

The Chair will call attention to the distinction between a limitation upon an appropriation and a positive enactment which limits the powers of Government officers under existing laws. A mere limitation of the appropriation is in order. There is no obligation on the House to appropriate at all, and therefore it may provide that the money appropriated by it shall not be used in any except such manner as may be specified in the bill. A limitation is best expressed in the negative, as that the appropriation shall not be available unless used in a certain way. That leaves an option. The money can be used or not used, but if used it must be in the manner specified. No law is changed, because there is no obligation to expend the money at all.

And then Mr. BOUTELL proceeds:

It appears, therefore, that the latest ruling by a Chairman of the committee on this question, in summing up all the previous decisions on this point, makes it perfectly clear that an appropriation is subject to such limitation as that expressed in this paragraph.

I call attention to the paragraph which was then under discussion, which was:

That no part of the moneys herein appropriated for fulfilling treaty stipulations shall be available or expended unless expended without regard to the attendance of any beneficiary at any school other than a Government school.

That was held to be a limitation, not upon the law, not upon the discretion of the officer, but upon the appropriation. The amendment now in question is even more clearly a limitation upon the appropriation merely and not a change of existing law. It does not say a sea-level canal shall not be built, but simply that no part of this particular appropriation shall be used for that purpose. The same point of order made against amendments of like character was overruled not less than fourteen times in the Fifty-eighth Congress. [Cries of "Rule!"]

The CHAIRMAN. The Chair is clearly of the opinion that the words of the amendment constitute a limitation on the appropriation, and not a change of existing law. The precedents are so numerous and the rule is so well established and clearly defined that the Chair does not feel obliged to cite a ruling at length or cite the precedents. The Chair therefore overrules the point of order. [Cries of "Vote!"]

Mr. WANGER. I move to strike out the last word.

Mr. TAWNEY. I move that all debate on the amendment close in ten minutes.

The CHAIRMAN. The Chair will state to the gentleman from Minnesota that before debate can be limited it must begin. There must be at least five minutes' debate.

Mr. WANGER. Mr. Chairman, above the din of conflict over the relative advantage of the lock or sea level type of the isthmian canal—which unfortunately has taken a quite too intensely partisan character—may be heard in chorus the voice of all friends of the proposed waterway for an early and final determination of that type in order that its construction may be speeded as greatly as the vastness of the undertaking and its manifold difficulties will permit.

The Canal Commission and its distinguished chief engineer, the predecessor of the latter, and that grand patriot, Gen. George W. Davis, with all others connected or familiar with the question, agree that a point has been reached where the maximum satisfactory progress is no longer possible unless it is with a view to the construction not of either, but of one of those types. And while the subject has not had exhaustive debate in this body, we have had the advantage of such able

and exhaustive reports and reviews thereof and supplemental explanations and recommendations that we are doubtless more than ordinarily well prepared to voice the judgment of this branch of the Congress, and fully as well as we may hope to be in the reasonably near future.

Probably everybody prefers a sea-level canal of equal safety and facility for navigation as one with locks, if it be reasonably attainable; and probably we agree that none such is possible, except at considerably greater expense. It is, therefore, no less a question of engineering than one of sound business policy which should control our action upon this amendment. The address of the President to the Board of Consulting Engineers so tersely and completely states the issue that reference to that important utterance suffices.

The Board of Consulting Engineers included men so distinguished in their profession and lofty in character, who gave such studious thought to the problem and were so thoroughly informed of all its phases, that had the report been unanimous the country might and doubtless would have accepted its conclusions without question, however eminent the advocates of an opposite type might be. Is it not safe, therefore, to conclude that either project, whether of the majority or of the minority, is worthy of our faith, and that the estimates of time and of cost may be safely averaged upon the estimates thereof, not only which each branch puts upon the project which it recommends, but also which it puts upon the project of the other?

A careful, if not exhaustive, study of the reports of the majority and minority and of much other literature of the question convinces me that either canal will afford satisfactory navigation to all shipping that will use the canal within many years after its completion, and that the volume of that shipping will probably be much less than is generally estimated. It is not so much for the tonnage that is to be looked for in the immediate future to use the canal as it is measured by number or by size of ships, but for other all-sufficient reasons that I regard the project as one of the mightiest ever undertaken.

The probable tonnage of the canal is an element that can not wisely be ignored in determining the amount to be expended in its initial construction. That tonnage can not be measured by Suez because of the great difference in the location of the population and trade of the world. Western Europe and southern and eastern Asia have a traffic vastly exceeding that between our eastern coast and South America, while our transcontinental railways will doubtless hold all but a fraction of the traffic between the eastern and western parts of the United States. Suez has no such rivals. In an article in the Royal Geographical Society Journal of December, 1903, Col. G. E. Church reviewed the estimate of the probable tonnage of the canal by the Isthmian Canal Commission of 1899–1901 and other data, with the conclusion that the canal would probably attract less than 2,000,000 tons per annum at its opening. While his conclusions will doubtless be exceeded, the facts he presents are worthy of consideration.

Upon the trip of the Board of Consulting Engineers to the Isthmus Mr. Welcker remarked that the building of the canal would "transform the map of the world," and it doubtless will eventually; but it will not substitute land where there are now oceans, and years will pass before its harvest will be reaped. Meantime we shall have an annual interest charge of more than $4,000,000 at 2 per cent per annum upon the investment in constructing the cheapest type proposed, besides more than half that sum in maintenance and operation.

Our country has such immense resources that it is able to spend five hundred millions or more in building the canal, but why should we spend any larger sum than necessary to accommodate our Navy and probable commercial needs is not apparent. We may owe to the world as to ourselves to build a waterway that can be used with safety and convenience and not in the reasonably near future require substantial enlargement, and that duty ought to be fully met by a canal that can be navigated on any day of the year by a ship of 93 feet beam, 900 feet long, and 35 feet draft.

As the lock type recommended meets this requirement and is over one hundred millions less expensive to build, and may be finished in from three to five and possibly ten years' less time than the projected sea-level type, and as this amendment does not bind the President and Canal Commission to any special feature of any type of lock canal, I shall vote for it; all the more heartily because personal association upon the Isthmus with engineers engaged in the work made me know their unanimity in behalf of such type prior to the report of the Consulting Engineers and the subsequent action of the Commission, the Secretary of War, and the President in favor of the report of the minority of the Consulting Engineers.

The men whose health is involved in their connection with the enterprise believe they may prudently continue in that labor if the canal is built with locks and share in their humbler sphere in the honor of its construction with a hopeful future beyond, and they will be inspired with zeal and confidence by the adoption of the amendment. Their pride in the project is no less than that of the President, and although their courage is great they will be discouraged, if not dismayed, by the herculean task of excavating the Culebra cut to 40 feet below sea level.

If this work were to be done in the Temperate Zone, with its superior climate and labor, the case would be very different, and a calculation of the probable daily capacity of steam shovels and period for digging through the Isthmus would be more reliable. Yet even here the uncertainty is great, as the statement of Mr. Randolph of work on the Chicago Drainage Canal clearly shows. Mr. Quellennec, the eminent consulting engineer of the Suez Canal, while stanchly advocating the sea-level type, put on record his valuable judgment as follows:

> From a general point of view I think that a sea-level canal is preferable to a multi-lock canal, and must be recommended as giving greater safety of navigation and facility of operation. But in making such recommendation I feel the necessity of showing clearly to the United States Government the great difficulties which, in my opinion, will occur in the completion of the Culebra cut.

This conscientious adviser commends by his candor, no less than by his fame, his every utterance, and lends special sugnificance to his other convictions, notably among which are:

> * * * I think that a lock canal should be considered only as a temporary one, built in order to minimize the amount of immediate work and first cost, and so constructed that it may be easily turned into a sea-level canal.
>
> Consequently, in my judgment, if a lock canal should be constructed, it should have separate locks and a summit level of 85 feet, obtained by adding to the 60-foot summit-level plan one more lock of about 30 feet lift, placed on each side of the Culebra cut near Obispo and Paraiso.

The 60-foot level canal will require the building of the Gamboa dam for the control of the floods of the Chagres, as the additional summit level suggested by Mr. Quellennec would require it to feed that level, and it is a question whether that dam is not an advisable feature in any event. It can have its foundations constructed simultaneously with the foundations of the Gatun locks and dam, and the consensus of the engineering evidence is that only in the actual construction of works are the real conditions found.

The surest expedition will be made in the building of the canal by having the work properly balanced, and the persuasive reason why a sea-level canal will take several years more than one of higher level is because the excavation at Culebra can not be hastened in proportion to the quantity to be excavated. The minority of the engineers estimate the period for the building of the Gatun locks will take nearly as long as the excavation at Culebra to 40 feet above mean sea level.

Chief Engineer Stevens has practically the same opinion, having recently stated to the Committee on Interstate and Foreign Commerce of the House that it is possible to build the Gatun locks and dam in six years, although he always figured on seven or eight years, to be conservative and safe, and that the completion of the Culebra excavation should be done "in practically the same length of time—not to exceed six years." He further said:

> Although I confess some of the engineers do not agree with me, I think the Gatun dam and locks can be built in practically the same time as the Culebra cut under the lock plan. I know I am alone in that opinion on the Commission.

Now, if it develops that the project for the three duplicate locks in flight at Gatun is either impracticable in whole or in part after the foundations are uncovered, or that eight or more years are required to build them, whereas Culebra cut can be excavated to within 15 feet of sea level in a less period, we shall as greatly as vainly lament that we made no provision for completing the canal at 60-foot level. The latter level is very attractive in and of itself, and a flight of two locks is less objectionable than of three—saving nearly one-third the time of lockage, some of the water lost by leakage and by evaporation, a considerable percentage of the cost of operation and maintenance, and avoiding nearly one-third of the water pressure upon whatever pervious material or channels there may be under the Gatun dam.

No apprehension can be reasonably entertained against the strength of the Gatun dam. But there is room for misgiving respecting the possible percolation or flowage through the bottom of the geological valleys beneath it. The weight of the dam may compact the pervious material below the blanket of fine material, or it may have little or no effect upon it. The flowing water may come from the Chagres or other sources above the site of the dam and much below the intended water surface, and with additional pressure and supply may seriously

diminish the volume of impounded water in the dry season. Because it rose 10 feet above the river level it is assumed by Mr. Stearns that it did not come from the river, as it is more than 10 miles upstream until elevation +10 is reached, and that it did come from adjacent high ground.

Mr. Stearns may be right, but he may be wrong. There is the condition presented that the bottom and sides of the valleys are of impervious indurated clay or soft rock, and over the loose material through which the water flows is fine sand—a blanket of impervious material, and yet the water is in there and it is flowing. It is surely a problem for further thorough investigation whether there are not subterranean channels which may make uncertain the filling of the Gatun dam to its intended height and secure holding of the water, and if such channels exist there can be no question of the need of ample provision against possible failure either by closing those channels or by reducing the height to which water is to be impounded, or both.

It is well known that water flows through subterranean channels for many miles, and there may as likely be subterranean as transverse crevices whereby the bottom of those geological valleys is fed with water.

The quantity of evaporation in the tropical climate is unknown, but it must be great, and its effect upon Lake Gatun will, of course, be felt, if felt at all, whenever there is a protracted dry season and the volume of water for lockages and otherwise escaping exceeds that flowing into the lake. If the 5 feet of summit reserve water allowed for this season is gone while the inflowing streams are at their minimum flow the subsequent reduction must be with accelerating speed until nature relieves the situation.

In case of protracted drought a great reserve such as Lake Gamboa would afford at elevation of +150 would be of inestimable value, and the opening of the canal might be at least several months earlier by its utilization.

It is suggested by the minority report that if more water is needed by reason of such vast traffic that Gatun Lake does not have sufficient that a dam be built at Alajuela. The latter site would then almost necessarily have to be chosen because of the drowning out of the lower part of the Gamboa site by Lake Gatun, but the dam would not have more than about one-fourth the capacity of a dam with equal head at Gamboa and be at least 8 miles farther from the line of the canal. It would have to be guarded and closely inspected, and the distance is a material element.

It is easier to build a dam at Alajuela than at Gamboa, although there is not the certainty of safety in the former that is usually assumed. Replying to General Abbott's contention of the greater safety of a dam at Alajuela than at Bohio, the late George S. Morison suggested that only in the ease with which the structure might be erected was Alajuela a superior site, and referred to the limestone rock along the river above and the frequent instances in which cavities exist in such rock and the trouble that they occasion.

It is assumed from borings and the study of geologic conditions that a good rock foundation for an all-masonry dam is at sea level at Gamboa. Yet Mr. Quellenec pointed out to the Board that at the Assuan dam, and Mr. Sterns that at the Wachusett dam, that when the foundations were dug it became necessary to go 15 to 20 feet deeper before the rock was satisfactory. It may be so here and it may be so at Gatun. Why not, when progress is so desired and important, insure it by simultaneously prosecuting the great essential feature in the control of the Chagres in the two types of canal, one exceeding +67.50 and the other at or below that elevation, when each has so great inherent utility? Or rather, why not in the project for initial summit level of 82 to 87 (generally called 85) underwrite the work by an adjunct that will serve many useful purposes of that plan and be invaluable in a possibly necessary alternative plan?

There are contingencies of so many kinds incident to the construction of any form of canal that no man or body of men can definitely state in advance the progress which will be made in any great feature. The minority engineers believe that their plan is well balanced, but actual experience may show the contrary and confirm the judgment of Messrs. Hunter, Wallace, and others that the Gatun lock and other structures will take some years longer than is expected; and hence the wisdom of proceeding on such lines that the best conditions may be secured. If a suitable dam at Gamboa will permit the opening of the canal even two years earlier than without such structure, its erection is fully justified.

It was with reluctance that Congress and the country turned from Nicaragua to Panama, the former being so many miles nearer our mainland and shortening so substantially the distance between our Atlantic and Pacific ports. But there was the consolatory thought that at Panama at some time the canal might be at sea level, and the advantages of unimpeded navigation and of a water supply that could only fail by the drying up of the oceans, are so substantial that even the remote possibility of them were cogent in winning acquiescence in the final choice.

And yet no promise was then held out that the initial construction of the canal at sea level was practicable. On the contrary, the Isthmian Canal Commission, in its report, not only said:

> This Commission concurs with the various French commissions which have preceded it since the failure of the old company in rejecting the sea-level plan. While such a plan would be physically practicable and might be adopted if no other solution were available, the difficulties of all kinds, and especially those of time and cost, would be so great that a canal with a summit level reached by locks is to be preferred.

But in an appendix entitled "Historical Notes Relative to the Universal Interoceanic Canal Company (1880–1894) until the Organization of the New Company," it showed that it was the personal insistence and prestige of Ferdinand de Lesseps, who had so signally triumphed in the building of the Suez Canal, which led to the adoption of the "constant-level" plan by the International Congress of Survey for an interoceanic canal in 1879, and the notes state:

> By considering the names of those who abstained from voting, of those who were absent, and of those who voted "no," it is seen that de Lesseps had against him a majority of the engineers and of the contractors who were members of the congress.

Accordingly, in 1902, it was known that the great preponderance of professional engineering opinion was that the important elements of time and cost made a lock canal the advisable form of construction, and those elements are at this time almost as potential as they were then. And there is no less reason now than there was then to indulge the hope that when the volume of tonnage and size of ships and military or other necessities really require a canal at sea level that it can and will be constructed.

The board of consulting engineers unanimously agreed:

> * * * That it is practicable, from an engineering standpoint, to transform any lock canal which it has considered into a sea-level canal—

And—

> that it is possible to turn any lock canal which it has considered into a sea-level canal without interrupting the traffic upon it.

The members of the Isthmian Canal Commission entered the realm of prophecy in their review of the reports of the consulting engineers and seem to all be of the opinion expressed by Admiral Endicott:

> An 85-foot summit lock canal once constructed means a lock canal always. If a sea-level canal is desired, it must be built directly without first building a lock canal.

And the other members of the Board state:

> The Board of Consulting Engineers is unanimous in the opinion, in which we concur, that if a sea-level canal is ever to be constructed, it should be constructed as such from the first.

This is such a gross misstatement it is difficult to understand how it came to be made, the Board having said:

> That if a sea-level canal is to be constructed in the *near future* it should be built directly without first building a lock canal.

If the Commission will realize the material difference between what is inadvisable at the present or in many years to come from what may be not only advisable but necessary in the somewhat remote future, it may appreciate the propriety of certain features which would not otherwise be apparent.

The construction of the Gamboa dam, if a good foundation exists for a masonry dam, will provide an all-important basis for possible future transformation to sea level whenever that may become advisable. And the omission to build that dam and the burial of its possible rock foundation under 82 to 87 feet of water will be the introduction of a very serious obstruction to transformation. While we are saving our generation one hundred and more millions and leaving to posterity to provide for its future needs, let us not add to the essential cost of transformation that involved in the failure to now demonstrate the practicability of an all-masonry dam founded in bed rock at Gamboa, and if the project proves practicable the failure of its early construction. Especially when such construction has its important advantages in any contingency and vitally important advantages in possible contingencies.

The Commission in recommending the plan of the minority very properly did it, "subject, of course to such changes as may be found desirable during construction," and the President in his message, transmitting the report, said:

> In my judgment, a lock canal, as herein recommended, is advisable. If the Congress directs that a sea-level canal be constructed its direction will, of course, be carried out. Otherwise, the canal will be built on substantially the plan outlined in the accompanying papers, such

changes being made, of course, as may be found actually necessary. * * *

And our legislation in adopting the lock plan should provide for whatever modification may become necessary, or advisable, as construction progresses.

The authority to make substantial modifications in the plan should exist so that at no time need the President and those he puts in direct charge of the work be required to delay efficient action.

With legislation of this character we may have every confidence that a splendid waterway will be built and be used by our Navy and a great number of ships of commerce and of other navies before the end of the next decade. [Applause.]

Mr. LITTAUER. Mr. Chairman, in now renewing my motion to amend, which has been read by the clerk, I have no desire to attempt to amplify the arguments for a lock canal so masterfully presented to the committee by the gentleman from Ohio, whose argument, I trust, has convinced every Member on this floor. I will but call attention again to the fact that the so-called "Spooner Act," authorizing the building of the canal, of June 28, 1902, directs that it shall be supplied with all the necessary locks and other appliances to meet the necessities of vessels passing through the same from ocean to ocean. The very language is conclusive evidence that, in the very origin of this work, it was deemed necessary to provide specifically for the necessity of locks in connection with the canal. The President stated to us in his letter to Congress of February 19, this year, that "in my judgment, the lock canal is advisable," and that he will direct that such a canal be constructed unless Congress directs to the contrary.

The scheme of a lock canal—the lake route—as developed by American engineers, is based on recent American experiences with locks and is the supreme product of the efforts of American engineers. From a business standpoint, it means that this great work can, if built on the lock type, be finished within the next ten years and at a net expense to the Government of at least a hundred millions, and probably two hundred and fifty millions less than the sea-level type of canal.

The problems of the lock canal are theoretically and practically solved. We know exactly, from past experience, how to handle practically nearly every problem with its construction. The lock canal can be built so that ships can pass through it successfully for a definite sum of money, while the problems connected with the sea-level type are unsolved, even in theory, and I believe in practice the undetermined problems in connection with this sea-level type are five times more than those of the lock type of canal, which means an indefinite sum of money and means the expenditure of a vast mass of fortune on a work whose result may, in the end, be questionable.

The sea-level type of canal recommended by the Commission, at a cost of over $100,000,000 more than the lock canal, will not, in my opinon, because of its curvatures, prove satisfactory, even if built, and would probably entail an expenditure of an equal amount of money as would be spent for its first construction, for its improvements, and enlargement, in order to make it feasible to pass ships through of the largest size. The dictates of economy, of the necessity of an early completion of this great waterway, require that Congress at this time should make known its intentions relative to the type under which it should be built.

A lock canal can be built within a definite time for a definite sum of money. A sea-level canal may be built, but within what time and within what expenditures I believe no man knows, for the unusually doubtful and experimental features in connection with the sea-level project are at least five times greater than those connected with the lock type. A declaration now for the building of a lock canal would bring within ten years the realization of our anticipation, while if we attempted to build a sea-level canal, no one within the sound of my voice will see a ship sail through the straits of Panama, but for years we will be fighting with one of the bitterest disappointments, necessitating the enormous expenditure of the people's money to a questionable result. Instead of the strait through Panama, it would result in a narrow tortuous sewer through a mountain range. Business principles and the interest of the United States, and the necessity of the world's commerce demand early completion of this waterway, which will result from a determination at this time to build a lock type of canal, which a thorough knowledge of the situation and careful consideration and weighing of all the evidence determines is a wise solution of this great problem.

A lock canal would be of greater capacity, a better canal, a safer canal, and a canal of quicker passage.

Mr. LOVERING. Mr. Chairman, I desire to submit some calculations as to the cost of the Panama Canal, based on the Statement of Mr. Stevens, the engineer, that it will take about eight years to build a lock canal and about sixteen years to build a sea-level canal, and require the expenditure of about $18,000,000 per annum in either case:

[Allowing $18,000,000 per year for sixteen years for a sea-level canal.]

First cost	$50,000,000
First year:	
Interest on $50,000,000, at 2 per cent	1,000,000
Amount paid for work, etc	18,000,000
Total for first year	69,000,000
Second year:	
Interest on $69,000,000, at 2 per cent	1,380,000
Amount paid for work, etc	18,000,000
Total for second year	88,380,000
Third year:	
Interest on $88,380,000, at 2 per cent	1,767,600
Amount paid for work, etc	18,000,000
Total for third year	108,147,600
Fourth year:	
Interest, at 2 per cent	2,162,952
Amount paid	18,000,000
Total	128,310,552
Fifth year:	
Interest, at 2 per cent	2,566,211
Amount paid	18,000,000
Total	148,876,763
Sixth year:	
Interest, at 2 per cent	2,977,535
Amount paid	18,000,000
Total	169,854,298
Seventh year:	
Interest, at 2 per cent	3,397,085
Amount paid	18,000,000
Total	191,251,383
Eighth year:	
Interest, at 2 per cent	3,825,027
Amount paid	18,000,000
Total	213,076,410
Ninth year:	
Interest, at 2 per cent	4,261,528
Amount paid	18,000,000
Total	235,337,938
Tenth year:	
Interest, at 2 per cent	4,706,758
Amount paid	18,000,000
Total	258,044,696
Eleventh year:	
Interest, at 2 per cent	5,160,893
Amount paid	18,000,000
Total	281,205,589
Twelfth year:	
Interest, at 2 per cent	5,624,111
Amount paid	18,000,000
Total	304,829,700
Thirteenth year:	
Interest, at 2 per cent	6,096,594
Amount paid	18,000,000
Total	328,926,294
Fourteenth year:	
Interest, at 2 per cent	6,578,525
Amount paid	18,000,000
Total	353,504,819
Fifteenth year:	
Interest, at 2 per cent	7,070,096
Amount paid	18,000,000
Total	378,574,915
Sixteenth year:	
Interest, at 2 per cent	7,571,498
Amount paid	18,000,000
Cost of sea-level canal at completion, at the end of sixteen years, when it may begin to earn an income on its cost	404,046,413
Cost of lock canal at completion, at the end of eight years, when it may be expected to be earning an income on the cost	213,076,410
Extra cost for sea-level canal	190,970,003
Extra time for sea-level canal, eight years.	
AFTER COMPLETION.	
The annual interest charge on cost of sea-level canal would be on $404,000,000, at 2 per cent	$8,080,000
The annual interest charge on cost of lock canal would be on $213,000,000, at 2 per cent	4,260,000

Mr. GROSVENOR. Mr. Chairman, in view of the great importance of the question that we are called to vote upon, and the hurry there is, which I fully appreciate, I ask unanimous consent that Members may have leave to print remarks upon this particular question of the Panama Canal within, say, five days.

The CHAIRMAN. The Chair is of the opinion that general leave should be given in the House.

Mr. GROSVENOR. I think it can be given in the committee. I feel quite sure it can be. The bill is in Committee of the Whole and fully in its control. Its jurisdiction is untrammeled.

The CHAIRMAN. The rule as cited by the parliamentary clerk sustains the point that the Chair made from recollection:

General leave to print may be granted only by the House, although in Committee of the Whole a Member, by unanimous consent, may be given leave to extend his remarks.

Mr. GROSVENOR. That has not been the practice in the House in my recollection.

The CHAIRMAN. The Chair remembers that it has been the practice. It was only from memory that the Chair made the remark. The gentleman can make his request in the House after the committee rises.

Mr. GROSVENOR. I can make the request for myself here.

The CHAIRMAN. Certainly.

Mr. GROSVENOR. I will do that now, with the understanding that when we go into the House I will ask general leave, so that others may participate in the privilege.

The CHAIRMAN. The gentleman from Ohio asks unanimous consent to print remarks on the subject under discussion. Is there objection?

There was no objection.

Mr. PARKER. I make a like request.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent to print certain remarks in the RECORD in regard to the isthmian canal. Is there objection?

There was no objection.

Mr. TAWNEY. Mr. Chairman, I move that all debate on the pending paragraph and amendments close in three minutes.

The motion was agreed to.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, the effect of the adoption of this amendment will be to appropriate the money, and then the canal will be constructed in part with this appropriation upon the lock type. That is the proposition which the committee is voting upon. I am free to say that I have heard only one side of the case. If compelled to cast a final vote now, I should vote in favor of the lock type with the knowledge that I have at hand. I assume that many Members of the House are in the same predicament. We have heard a very able speech, an hour or more in length, by the gentleman from Ohio [Mr. BURTON] in favor of the lock type of canal. Not one word has been addressed to the House upon the other side of the proposition. Manifestly there are two sides to this question, and it is a very important one. I think, therefore, that the amendment ought to be voted down, in order to give the House more time to deliberate upon the question, so that it may form a just judgment of the case. The House is not in the mood to decide this question this afternoon. The question is pending as a legislative proposition in the other branch of the legislature. It seems to me it would be much better to have it come before the House as a legislative proposition rather than to have it presented to us as a rider upon an appropriation bill. We are not deciding the question for one year or for five years or for ten years, but for the century, and it is extremely important that we shall make no mistake. I am willing to confess that I do not know enough about the question to deal with it justly myself. Many other Members must feel as I do. I hope, therefore, that this amendment will be voted down, in the interest of safe and sane legislation. [Applause.]

Several MEMBERS. Vote! Vote!

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. LITTAUER].

The question being taken, on a division (demanded by Mr. SULLIVAN of Massachusetts) there were—ayes 110, noes 36.

Accordingly the amendment was agreed to.

The Clerk read as follows:

For purchase and delivery of material, supplies, and equipment for the construction and engineering and administration departments on the Isthmus of Panama, $9,032,814.24.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 165, at the end of line 2, add: "*Provided*, That no part of this appropriation shall be expended for materials and supplies to be used in the construction of the canal or in connection therewith except as the result of bids advertised in the manner now established by the Isthmian Canal Commission under existing law."

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on that. I do not know that it is subject to a point of order.

The CHAIRMAN. The gentleman reserves the point of order.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I will briefly explain the purpose of the amendment. When the gentleman makes the point of order, I will discuss that.

The CHAIRMAN. Does the gentleman make or reserve the point of order?

Mr. CURTIS. Mr. Chairman, I ask that the amendment be again reported.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. TAWNEY. I withdraw the point of order, Mr. Chairman. I do not think it will lie, but I want to have a word to say in opposition to the amendment.

Mr. KEIFER. I renew the point of order.

The CHAIRMAN. Does the gentleman from Ohio make the point of order or reserve it?

Mr. KEIFER. I make the point of order. It assumes that it is necessary in and of itself in order that the bids shall proceed. If there is an existing law, then this is unnecessary, but there is no existing law, as I understand it, in regard to the exact thing that is proposed to be required by this amendment.

Mr. SULLIVAN of Massachusetts. Now, Mr. Chairman, I would like to discuss the point of order. The amendment relates to the purchase of supplies and materials for use in the construction of the Panama Canal, for which nearly $10,000,000 are about to be appropriated. Under the present law there is no tariff duty levied upon supplies which are received into the Canal Zone to be used in the construction of the canal. The amendment which I have offered simply seeks to secure to the Isthmian Canal Commission the same free system of competition in the purchase of its supplies that it now enjoys. Under the present law there is no discrimination made in favor of American goods. The goods of all countries may enter the Canal Zone duty free if they are to be used in the construction of the canal. Therefore the amendment does not seek to change the law in that respect, but to secure the continued operation of the law. Now, the system that has been adopted——

Mr. LACEY. If the gentleman will allow me, as I heard the amendment read it not only provides that it should be under bids, but bids under existing regulations. It attempts to enact these regulations into statute law by directly recognizing them without defining them.

Mr. SULLIVAN of Massachusetts. The amendment is not only in harmony with the law, but with the practice which has been established by the Commission. The Commission now solicits bids for its supplies. They are advertised throughout the United States, and, as a result of competitive bids, awards of contracts are made to the lowest bidders. That is the practice, and this amendment seeks to continue that practice, so the amendment is in harmony with the law and with the existing practice. The Chair will not have to seek far for a precedent to sustain the validity of this amendment. The Chair will only have to consult his own decision a few minutes ago in respect to the amendment offered by the gentleman from New York that this is simply a limitation on this appropriation. It does not contemplate a change in the law or any addition to the permanent law. A subsequent Congress may adopt this provision or reject it. It has no force beyond this particular appropriation bill. The gentleman from Pennsylvania well says we could deny the appropriation altogether. If this amendment is adopted, then the money will have to be spent in accordance with this provision, but there is no compulsion about it. Not a single dollar need be spent. It is true the Canal Commission, if it intended to buy in the dearest market instead of the cheapest, would be suspended in the air, as the gentleman from Pennsylvania suggested in his remarks, and that would be the only effect of the amendment in such a case.

Mr. CRUMPACKER. Mr. Chairman, a word upon the point of order. It occurs to me that the point of order raises a question that is pretty close to the line. The rule authorizes amendments on general appropriation bills limiting appropriations. It forbids amendments on appropriation bills that expressly control or limit a discretion vested by law in administrative officers. The question in this case is whether the amendment controls or expressly limits a discretion vested by law in the Canal Commission. It would be competent, of course, to say that the money appropriated should be used in a particular manner, and that would incidentally limit the discretion of the Commission in the expenditure of the particular appropriation. But it might incidentally limit it. Take, for example, the amendment that was up a few moments ago, an amendment providing that no part of the appropriation for continuing the work of constructing the Panama Canal should be available for the construction of a sea-level canal. That incidentally limited the discretion of the Commission and confined the appropriation as

a practical proposition to the construction of a lock-level canal; but if the amendment on its face had stated that the money should be used in the construction of a lock-level canal, it would be obnoxious to the rule, because it would control the discretion vested in the President of the United States. This may be a technical distinction, rather a fine one, but it occurs to me that it exists in this case, and that this amendment is probably obnoxious to the rule in the respect that I have pointed out—that it directs and controls not only the appropriation, but expressly limits the discretion of the Panama Canal Commission as well.

Mr. MANN. Mr. Chairman, the amendment which was just agreed to was an amendment limiting and changing the discretion of the Executive; but the limitation was only as to the appropriation carried in this bill, and hence, under the rules of the House, the limitation was in order. Now comes a proposition appropriating a certain amount of money, and the amendment proposed is identically along the same lines as the amendment already agreed to, limiting simply this appropriation—limiting the discretion of the Executive as to this appropriation. So far as the rules are concerned, we could say, after this item, "*Provided*, That no portion of this money shall be expended for any white vessels, but only for black vessels." It is within the power of the House under the rules to put in any sort of a limitation it pleases, and the amendment only proposes a limitation upon this appropriation, the sum mentioned here, $9,032,814.24. It seems to me that the Chair can not escape from ruling the amendment in order for the same reason that the other amendment was ruled in order. If we can limit the discretion of the Executive as to the kind of a canal he can build with the money we appropriate, then we can limit his discretion as to how he shall buy the material with the money which we appropriate. We do not limit his discretion in any other way or as to any other money, but only as to the money which is appropriated here.

Mr. KEIFER. Mr. Chairman, I do not care to occupy much time. I think the point of the gentleman from Illinois [Mr. MANN] is quite refined. We are here proposing to limit in no sense the use of the money, because we intend to use it all. We do not say how it shall be used in the sense that we have been limiting other appropriations. What we do say here is that the discretion of the President and others whose duty it is under existing law to expend this money shall be so exercised as that it shall be expended in a certain way. We have a law that vests in the President and in the boards under him the method of expending the money, and it turns out that this amendment is simply new legislation. It is a new mode of expending money in the matter of the construction of the Panama Canal, and in that respect the gentleman who offered the amendment agrees with me, for he made it perfectly clear that the object of his amendment was to provide imperatively how the President and the boards under him shall use this money. So that it becomes absolutely a new law of direction as to the method of expending money in the construction of the Panama Canal and is subject to the objection under Rule XXI.

The CHAIRMAN. The Chair is of opinion that the amendment is only a limitation on the appropriation and not a change of existing law. Every limitation is, in effect, finally a limitation on the discretion of an officer. It is not permitted that this be affirmatively done, but it may be negatively done, and this amendment while not drawn in the usual form, and therefore because of its language making it a somewhat closer question, is yet is substance but a limitation, in the opinion of the Chair, on the appropriation, and therefore the Chair overrules the point of order.

Mr. TAWNEY. Mr. Chairman, I am free to say that I am in favor of the Commission continuing the policy it has heretofore pursued in respect to the purchase of material, supplies, and equipment for the Panama Canal. I am not in favor, however, of adopting an inflexible rule in respect to the purchase of the material and supplies and equipment that will be necessary in the construction of that great enterprise. Up to the present time the Panama Canal Commission has expended $10,666,000 for material, supplies, and equipment. Of that amount all of it was purchased as the result of bids in the open markets of the world, and all of it except $185,000 was purchased in the United States. In other words, foreign manufacturers and foreign producers had the same opportunity to bid that American producers had. Foreign manufacturers had their representatives in this country, who did bid on the various contracts, but, notwithstanding that fact, out of the $10,666,000 that has been expended for that purpose, only $185,000 was expended for foreign material, and $175,000 of that amount was purchased from American concerns dealing in foreign material, leaving only $10,000 expended for foreign material and furnished by foreign concerns. In other words, the American manufacturers are getting the benefit of the trade and the Government of the United States is getting the benefit of the American export price. I do not think it is wise for us to say at this time that this policy shall continue indefinitely. It will continue indefinitely, in my judgment, if Congress says nothing at all about it. I do not believe in our making an inflexible rule.

Mr. WILLIAMS. Mr. Chairman, I would like to ask the gentleman a question, predicated upon the statement which he has just made. Suppose that they had not been buying these supplies in a market open to the bids of foreign producers as well as the bids of our own producers. Would we, in that event, have succeeded in getting the supplies for the Panama Canal at the competition price? Would not our producers have charged us the home-market price instead of the foreign price?

Mr. TAWNEY. I do not know as to that, but I will say this to the gentleman——

Mr. WILLIAMS. In other words——

Mr. TAWNEY. Hold on just a minute. I will say this in answer to your question, that if they had not had the benefit of the open market the materials and supplies would have cost the Government more than the Government has paid.

Mr. WILLIAMS. That is what I wanted the gentleman to say. In other words, that as long as we have the open bid to hold over them as a big stick, they give us the benefit of the prices they charge the foreigner instead of exploiting the Government at the prices at which they exploit the American consumer.

Mr. TAWNEY. We have had the benefit of the export price, and I believe we will continue to have that advantage, but I do not see any necessity to now fix a hard and fast rule in respect to the subject of the purchase of material for the canal.

Mr. DALZELL. Mr. Chairman, this is the converse of the proposition with which I think we are all familiar. The Senate lately passed a resolution instructing the President to purchase in the American market all the materials for the construction of the isthmian canal, unless he was asked an unreasonable or extortionate price.

Mr. SULLIVAN of Massachusetts. I beg the gentleman's pardon. "Unreasonable and" was the language.

Mr. DALZELL. We will not quible about the word.

Mr. PAYNE. It was "unreasonable or." I am quite positive it is "or."

Mr. DALZELL. The proposition came to this House and went before the Committee on Ways and Means, and has been favorably reported by that committee. That resolution is now on the Calendar, and it will be presented to the House within a few days for its indorsement or rejection. It is, as we believe, an expression of the people of the United States that the American people engaged in the construction of an American enterprise, to be paid for out of the American Treasury, by money collected by way of taxes from the American people, shall be constructed of materials bought in the American market, made by American workmen [applause on the Republican side], and with American competition, and that irrespective of the question as to whether or not by reason of our system our American workmen are paid higher wages and their products command higher prices, if the prices are not unreasonable or extortionate, and I trust the amendment will be voted down. [Applause on the Republican side.]

Mr. OLMSTED. Mr. Chairman, I offer the following substitute for the amendment.

The CHAIRMAN. The gentleman from Pennsylvania offers a substitute for the pending amendment, which the Clerk will report.

The Clerk read as follows:

Provided, That no part of the sum hereby appropriated shall be used in the purchase of materials, supplies, or equipment of foreign manufacturers when similar articles, the product of American labor, can be purchased at reasonable prices.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I move to amend the amendment by striking out the words "at reasonable prices" and substitute "at the same prices."

The CHAIRMAN. The gentleman from Massachusetts moves to amend the substitute to the amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "reasonable prices" and insert "at the same prices."

Mr. WANGER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Pennsylvania will state his parliamentary inquiry.

Mr. WANGER. Is an amendment to the original proposition of the gentleman from Massachusetts now in order?

The CHAIRMAN. Yes.

Mr. WANGER. Then I move to amend that by striking out the word "existing" and inserting the word "its."

Mr. SULLIVAN of Massachusetts. I make the point of order against that, that you can not twice amend an amendment.

Mr. OLMSTED. But you can perfect the original amendment before voting on the substitute.

The CHAIRMAN. The original amendment is the amendment of the gentleman from Massachusetts, to which the gentleman from Pennsylvania addressed himself, and which he is now seeking to amend, and it is in order.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I trust the Chair will extricate us from the meshes of this parliamentary situation by having the amendments reported in their final shape.

The CHAIRMAN. Without objection, the original amendment of the gentleman from Massachusetts will be reported, the substitute to that proposed by the gentleman from Pennsylvania [Mr. OLMSTED] and the amendment to that offered by the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. WANGER. I also ask that my amendment be reported.

The CHAIRMAN. By and by we will come to your amendment.

The amendments were reread.

The CHAIRMAN. Now, the gentleman from Pennsylvania [Mr. WANGER].

Mr. WANGER. Strike out the word "existing" and insert the word "its;" so as to read:

Isthmian Canal Commission under its law.

The CHAIRMAN. The first question will be on the amendment proposed by the gentleman from Pennsylvania [Mr. WANGER] to the amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. SULLIVAN of Massachusetts. I desire to be heard on that proposition.

Mr. PAYNE rose.

The CHAIRMAN. The Chair will hear the gentleman from New York.

Mr. PAYNE. Mr. Chairman, I hope that these propositions will be voted down. [Applause.] I am for spending this money, so far as we can do so reasonably, for American goods in constructing this canal. I would like to have every dollar of it spent in that way. The Senate has passed a joint resolution upon this subject, which came over here and has been reported by the Committee on Ways and Means, and which will be brought up before the House for action, and which comprehensively covers this whole question, not for this present appropriation, but for all the money to be spent upon this canal. I want to read the terms of that resolution:

That purchases of material and equipment for use in the construction of the Panama Canal shall be restricted to articles of domestic production and manufacture from the lowest responsible bidder, unless the President shall in any case deem the bids or tenders therefor to be extortionate or unreasonable.

Now, I think that act ought to pass. [Applause.] And it will pass. Why cumber up this bill with any of these amendments? Why not strike them all out? Having passed the Senate, the House will pass it, and it will become a law. I hope these amendments will be voted down.

Mr. OLMSTED. Mr. Chairman, I wish it to be distinctly understood that I am utterly opposed to saving money in the cost of this canal at the expense of the American laborer. Every million dollars paid for American locomotives or steam shovels or rails for the Panama Canal or Railroad means $800,000 for American labor, and the same sum paid for foreign supplies of that character means that much American money taken out of this country and paid to laborers in other countries. It is better for all our people that all these millions shall be expended at home and kept in circulation among our own people. But, Mr. Chairman, I realize that any amendment made to this bill can apply only to this single appropriation, and that it will be better to have a general law, permanent in character and applicable to all appropriations and all purchases until the canal is completed, and therefore upon the statement and assurance of my colleague from Pennsylvania [Mr. DALZELL], a Member of the Committee on Ways and Means, and of the distinguished chairman of that committee, the gentleman from New York [Mr. PAYNE], that a satisfactory measure accomplishing the same purpose will be reported from that committee and passed at this session, I withdraw my substitute amendment. [Applause.]

The CHAIRMAN. In the Committee of the Whole an amendment proposed can not be withdrawn except by unanimous consent.

Mr. OLMSTED. Mr. Chairman, I ask unanimous consent to withdraw my substitute.

Mr. WILLIAMS. To that I make objection.

Mr. TAWNEY. I move that the debate to the paragraph and amendment thereto be closed in ten minutes.

The question was taken; and the Chair announced that the ayes seemed to have it.

On a division (demanded by Mr. WILLIAMS) there were—ayes 96, noes 67.

Mr. WILLIAMS. Let us have tellers, Mr. Chairman.

Tellers were ordered.

Mr. TAWNEY. How much time does the gentleman from Mississippi [Mr. WILLIAMS] want?

Mr. WILLIAMS. I think twenty minutes will be sufficient.

The CHAIRMAN. Tellers have been ordered; and the gentleman from Mississippi, Mr. WILLIAMS, and the gentleman from Minnesota, Mr. TAWNEY, will take their places as tellers.

The House again divided; and there were—ayes 117, noes 50.

So the motion to limit debate was agreed to.

Mr. TAWNEY. Mr. Chairman, I yield two minutes to the gentleman from Pennsylvania [Mr. WANGER].

Mr. WANGER. Mr. Chairman, I suppose we all agree that the materials and supplies for the isthmian canal ought to be secured by competitive bidding. But I take it that whatever propriety there may be in requiring by law that in all cases there shall be such bidding, nobody, not even the gentleman from Massachusetts [Mr. SULLIVAN], will insist that all of the regulations adopted by the Isthmian Canal Commission to this time are perfection, and that there will not be occasion for amendment of the regulations from time to time in the future.

I may only mention one instance, wherein an inadvertent requirement, as I have no doubt it was, cut out American producers and gave a large contract for cement to European manufacturers of that article, to demonstrate the need of amendment. The proposals or invitations for proposals contained the conditions that the cement should be delivered only in certain quantities and at certain intervals upon the Isthmus. Those quantities were less than even full schooner loads. The requirement was that the cement should be delivered by steamer, and the only lines of steamers that went to the Isthmus charged a rate of about $1 per barrel, and for the small shipment permitted a less rate could not be gotten from a sailing vessel, much less from any tramp American steamer.

The steamship lines from the other side of the Atlantic only asked about 55 cents per barrel to the Isthmus, and the difference in the bids was just about the difference in the rates of freight. Now, if that regulation of the Commission did not require shipment by steamer, or did not require delivery in such small quantities and at such frequent intervals, American producers of cement could have underbidden the foreign producers, and American shipping as well as the American manufacturer of cement would have been encouraged, because for full schooner loads an equally low rate would have been given.

The needless conditions in this particular have been changed, but doubtless other conditions will develop from time to time which the Commission should have the power to change.

Mr. TAWNEY. I reserve the balance of my time.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, 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. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia.

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

S. 1291. An act for the relief of James W. Watson.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 12323. An act to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah; and

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

SUNDRY CIVIL APPROPRIATION BILL.

The committee resumed its session.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I desire to be notified at the end of three minutes.

Mr. Chairman, we unite with the gentleman from New York, the leader of the majority, in his desire to have only American goods used upon the canal. My amendment will not stop the sale of a single dollar's worth of American goods. To-day, under free competition, without any assistance from any tariff, American manufacturers sell 99 per cent of the canal supplies. The proposition before us is not to substitute foreign for American goods, but to continue the sale of American goods to the United States Government at reasonable prices, such as the export prices of United States manufacturers, and not the extortionate prices which your tariff enables you to collect from your own citizens here in the United States. [Applause on the Democratic side.]

Now, why is the Senate proposition offered? If existing conditions are satisfactory to you gentlemen, why do you wish to change them? What is the purpose of the Senate amendment? It is to enable the men who make American dredges to sell them at exorbitant prices to the Canal Commission and prevent them from buying the Scotch dredges, which they could otherwise buy for thousands of dollars less. It is to compel the Commission to buy American cement at extortionate prices, rather than the low prices they buy it for now in open competition. It is to compel the Commission to buy its iron and steel at the extortionate prices which the steel trust collects in the United States, rather than the reasonable prices which the Canal Commission pays for them now in open competition and which every foreign buyer enjoys.

Now, then, to show what inconsistency there is in your positions even in a single day you vote to adopt the lock type of canal because you say you will save expense. In the same afternoon you propose to fetter the Canal Commission and compel it to pay extortionate prices for supplies, thereby increasing the cost of the canal to the American people. If I had time I would read at length from the testimony produced before our committee. I will read a single line. Mr. Shonts, president of the Canal Commission, said:

> I favor buying in the open market for the reason Mr. Ross, the purchasing agent, has stated, I think, that if we have that privilege it enables us to get our American-made material cheaper. I believe that the steel combination, to illustrate, gives us the benefit of their export prices.

[Applause.]

I think that statement of Mr. Shonts explains the earnest opposition of the able gentleman from Pennsylvania [Mr. DALZELL].

Mr. Chairman, not more than 1 per cent of foreign goods is bought now by the Canal Commission. They buy American goods and pay only reasonable prices. The Secretary of War wants existing conditions continued. The president of the Canal Commission wants them continued, in order that they may finish the canal cheaply, and that the American people may not be robbed by the protected manufacturers of the United States. A vote against the amendment which I have offered is a vote to enable the American manufacturers to plunder the American people in the construction of the isthmian canal. A vote for the amendment is a vote to continue the equitable conditions which your Secretary of War, your president of the Commission, and, I believe, the President of the United States wants to continue. [Loud applause.]

The CHAIRMAN. The gentleman has two minutes remaining, and the gentleman from Minnesota has three.

Mr. SULLIVAN of Massachusetts. I yield the remainder of my time to the gentleman from Illinois.

Mr. MANN. Mr. Chairman, I am in favor of the amendment offered by the gentleman from Massachusetts. The isthmian canal when constructed will not be constructed for the benefit of the United States. It is for the benefit of the world. It is a present which the United States makes to humanity. We have the right, in making that present to mankind, to make it at the lowest possible expense to ourselves. It would be worse than idle for us, in doing this work for humanity, to pay two prices for it. I do not think we are building the Panama Canal for the purpose of putting money into the pockets of the manufacturers of the United States who furnish materials. If we were engaged in that work, it would be better to consume the materials at home, where they would be for our exclusive and special benefit. When we are called upon to expend all the way from one to five hundred millions of dollars—and if a sea-level canal in the end should be adopted, more than that sum, in my opinion—we ought to do it with an eye to economy. The present Canal Commission, under the guidance of the Secretary of War and the President of the United States, has adopted the policy of buying in the markets of the world. Under that policy the United States has obtained 99 per cent or more of the contracts at reasonable prices; but if we can buy more cheaply abroad, let us buy abroad. Who proposes that the canal shall be built by American labor? We take foreign labor because we can get it cheaper. For the same reason we should take the cheapest manufactured products. [Applause.]

Mr. PAYNE. Mr. Chairman, I agree with my friend from Illinois that this is largely a gift to the world by the American taxpayers. I want to get what little benefit out of it I can for the American taxpayers, and as far as I can I want to purchase materials which are the result of the labor of American taxpayers, in order that we may do them all the good we are able to do—by using their products in the construction of the canal.

We are taking foreign labor because American laborers do not want to go down there, because the conditions there are not suitable to the American man, and the American can not perform labor there. That is one reason; and the other reason is because the American laborer has more to do at home than he can possibly do. There are not laborers enough to go around.

But I did not rise to discuss the merits of this proposition. As I say, this joint resolution has been reported by the Committee on Ways and Means without any amendment. I hope to get it before this House in a very few days; in fact, I should like to get it before the House to-morrow. Then we will settle this question, and whatever debate there may be upon the merits we will have then; but let us not encumber this bill. Let us vote down all these propositions and put them into permanent law at another time, so that hereafter we shall know just what we are going to do about our expenditures in buying supplies for the building of this canal—from now until the last shovelful of dirt is taken out of the canal. [Applause.]

The CHAIRMAN. The first proposition before the House is to perfect the original amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN]. Therefore, to that end, the first thing in order will be the amendment offered by the gentleman from Pennsylvania to that original amendment.

The question being taken, the amendment to the amendment was rejected.

The CHAIRMAN. The next proposition before the House is the amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN] to the substitute offered by the gentleman from Pennsylvania, who offered a substitute to the original amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. OLMSTED. Mr. Chairman, I thought I withdrew that.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. OLMSTED. I thought I had withdrawn the substitute in favor of the bill, which will be presently reported from the Ways and Means Committee, to more fully accomplish the same purpose——

Mr. WILLIAMS. Oh, no; it was never withdrawn.

The CHAIRMAN. There was objection.

Mr. OLMSTED. If I understand the gentleman from Mississippi to be in favor of my substitute, I certainly do not want to withdraw it.

Mr. WILLIAMS. Why, as a partial return to reason, yes.

The CHAIRMAN. The committee will be in order.

Mr. WILLIAMS. You ought to have called the other man to order.

The CHAIRMAN. The question is on the proposed amendment of the gentleman from Massachusetts to the substitute offered by the gentleman from Pennsylvania.

The question being taken, on a division (demanded by Mr. WILLIAMS) there were—ayes 57, noes 113.

The CHAIRMAN. The amendment of the gentleman from Massachusetts to the substitute of the gentleman from Pennsylvania is lost.

Mr. POU. Mr. Chairman, I offer the following amendment to the substitute.

The CHAIRMAN. The gentleman from North Carolina offers the following amendment to the substitute of the gentleman from Pennsylvania, which the Clerk will report.

The Clerk read as follows:

> *And provided further*, That the price at which materials or supplies of American manufacture are offered to the Government of the United States is no higher than the price at which the same goods are offered to the residents of foreign nations.

Mr. MANN. I raise the point of order upon that amendment that it is not a limitation at all.

The CHAIRMAN. That involves an examination of the original substitute. The Chair overrules the point of order. The Chair thinks it is clearly in order.

The question is on the amendment to the substitute, which amendment has just been offered by the gentleman from North Carolina.

The question being taken, the amendment of Mr. POU was rejected.

The CHAIRMAN. The question now recurs on the substitute offered by the gentleman from Pennsylvania to the original amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN].

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 28, noes 106.

So the amendment was disagreed to.

The CHAIRMAN. The question now recurs on the original amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN].

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 65, noes 120.

Mr. WILLIAMS demanded tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. WILLIAMS and Mr. TAWNEY.

The committee again divided; and the tellers reported that there were—ayes 59, noes 121.

So the amendment was rejected.

The Clerk read as follows:

For pay of officers and employees other than skilled and unskilled labor in the service of the government of the Canal Zone, $600,000.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I do not like to impose upon the chairman of the committee. I do not know whether he made any explanation in reference to the form of the Panama Canal items in the bill or not at any other stage of the debate. If he did, I do not want to bother him now.

Mr. TAWNEY. I did not.

Mr. MANN. Mr. Chairman, in the bill which was passed in the House in January last, making appropriation for canal work, and which subsequently became a law, there was a section I offered as an amendment requiring the Canal Commission to make detailed estimates as far as practicable. I suppose detailed estimates have been made, perhaps more in detail than showed in the bill. I suppose there is some reason to be offered by the committe for not inserting more in detail the items for the canal. I would like to ask the gentleman whether, in the judgment of the committee, it was thought impracticable to insert items in detail in reference to appropriations, and especially in regard to the high-salaried officials of the canal, such as is often done in other cases?

Mr. TAWNEY. Mr. Chairman, the estimates were submitted in detail, as the gentleman will find from House Public Document 821. This was submitted by the Acting Secretary of the Treasury under date of May 21, 1906.

Now, the Commission submitted their items under eight heads—that is, they lumped their total, segregating the appropriations under eight specific heads. First was for salaries, the officers and employees of the Commission, incidental expenses, pay of the officers here in Washington.

I might say, Mr. Chairman, that under that first item their total estimate was $170,000. I want to say that we did not provide specifically for the office here in Washington, as I know the gentleman from Illinois thinks we ought to have done, and as I thought when the matter was before the House before we would do, for the reason that this force at the present time has reached its maximum. We are assured that the number of employees has reached the maximum and will be reduced from this time on, and that that reduction can be effected more advantageously under a lump appropriation than it can be if we provided specific places with specific salaries. A man knowing that he holds a statutory place with a fixed salary would be more likely to secure influence to aid him in holding that place. In order to enable the Commission to make the reduction which we thought they ought to make, we gave them a lump-sum appropriation. When the force on the Isthmus is fully organized, we can then provide specifically for the force here. It will then be a permanent force. We reduced the estimate for the office force here in Washington about $40,000. If the gentleman will take that document and go through it, he will see why and how we have made the reduction.

Mr. MANN. I have examined the document. I want to make this suggestion: Congress has left the fixing of these salaries wholly to the Executive. The salaries are not fixed by law. That being the case, it seems to me Congress ought to have an opportunity to pass upon these salaries in an appropriation bill, and the only way to do that is to specifically provide for these salaries in the office at Washington in the appropriation bill. I can not see why it would be any great detriment to the service to do so.

Mr. SMITH of Iowa. Mr. Chairman, I will say that it seems to me strange that the gentleman thinks that as we have intrusted the fixing of the salaries to the President, we ought now to proceed and fix them in an appropriation bill.

Mr. MANN. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

For material, supplies, equipment, new buildings, and contingent expenses for account of the government of the Canal Zone, $318,200.

Mr. WILLIAMS. Mr. Chairman, I offer the following amendment, which I will read:

Insert in line 18, page 165, after the word "Zone," the following:

"*Provided*, That said materials, supplies, and equipment are bought at prices no higher than the contemporaneous export prices of American manufacturers and producers where the same are known to or can be ascertained by the purchasing board."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 52, noes 108.

The Clerk read as follows:

In all, $25,456,575.08: *Provided*, That all expenditures from the appropriation herein made for the isthmian canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section 8 of the said act approved June 28, 1902.

Mr. GILL. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Amend by adding additional paragraph to section 1, after the word "two," in line 14, page 166, to read as follows:

"That for the purpose of carrying out the provisions of public act No. 181, entitled 'An act to authorize the Secretary of Commerce and Labor, through the Bureau of Coast and Geodetic Survey and the Bureau of Fisheries, to cooperate with the shell-fish commissioners of the State of Maryland in making surveys of the natural oyster beds, bars, and rocks in the waters within the State of Maryland,' the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any funds in the Treasury not otherwise appropriated."

Mr. TAWNEY. Mr. Chairman, I make the point of order that it is not germane to the part of the bill to which it is offered. The amendment, as I understand it, relates to the Coast and Geodetic Survey.

Mr. GILL. Mr. Chairman, the point of order made by the gentleman from Minnesota [Mr. TAWNEY] is not applicable to this amendment as I have presented it here. The amendment is for the purpose of adding an additional paragraph to appropriate the money necessary to carry out the provisions of a law which has been passed by Congress and approved by the President and which provides that the money shall be expended for the purposes provided in that bill. It is therefore perfectly proper as an additional paragraph to this section and within the rules of the House that it shall be offered here.

The CHAIRMAN. Does the gentleman from Minnesota desire to be heard on the point of order?

Mr. TAWNEY. No; I have nothing further to say than it is not germane to this part of the bill.

The CHAIRMAN. The Chair will state that it is offered as a new paragraph.

Mr. TAWNEY. It is a part of the Coast and Geodetic Survey.

Mr. GILL. It is a new paragraph to section 1. It is not an amendment to any paragraph of the bill.

The CHAIRMAN. The Chair is inclined to the opinion that it is in order and not subject to the point of order, and the Chair overrules the point of order.

Mr. GILL. Mr. Chairman, I am sorry to detain the House for a few minutes, but I have not occupied the time of this body since I have been a Member of it, and I have not objected to the use of time by every other Member of the House. As it is essential that money should be provided to carry out the provisions of a law which this House and the Senate have adopted unanimously and which the President has approved, it seems to me unreasonable on the part of anyone here to object to an appropriation to carry out the provisions of that act. I can not understand why the chairman of this committee could possibly object to this bill unless the money necessary to be expended is already provided for, and if the chairman of the committee can demonstrate to the House that that money has been provided already or is provided by existing legislation, then there is no necessity for the adoption of the amendment, and I shall not press it. If, however, he does object, he ought to demonstrate beyond the possibility of a doubt that that money has been or is provided for by existing appropriations. If he does not demonstrate that, I hope the House will adopt this amendment, and thereby provide the money necessary to carry out the law which it has itself approved of. [Applause.]

Mr. TAWNEY. Mr. Chairman, in answer to the gentleman I will say that I was advised this morning by the Superintendent of the Coast and Geodetic Survey that all that was necessary was to change the language of one of the appropriations in this bill for that service in order to give him authority to ex-

pend the money for this work and increase the appropriation to a slight extent, which we will do later on. We can not go back to it now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland.

The question was taken; and on a division (demanded by Mr. GILL) there were—ayes 56, noes 95.

So the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19844—the sundry civil appropriation bill—and had come to no resolution thereon.

ALLOTMENT OF LANDS IN BLACKFEET INDIAN RESERVATION.

Mr. SHERMAN. Mr. Speaker, I present a conference report on the bill (H. R. 19681) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation in the State of Montana, and to open the surplus lands to settlement, together with the statement of the conferees thereon, for printing under the rules.

The SPEAKER. The conference report and statement will be printed under the rule.

SALARIES OF TEACHERS, ETC., IN DISTRICT OF COLUMBIA.

Mr. MORRELL. Mr. Speaker, I present a conference report on the bill (H. R. 18442) to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia, together with a statement of the conferees thereon, for printing under the rules.

The SPEAKER. The report and statement will be printed under the rule.

CONSULAR AND DIPLOMATIC APPROPRIATION BILL.

Mr. COUSINS. Mr. Speaker, I present a conference report on the bill (H. R. 19264) making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907, together with the statement of the conferees thereon, for printing under the rules.

The SPEAKER. The report and statement will be printed under the rule.

CONFERENCE REPORT, NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I call up the conference report on the naval appropriation bill, and move that the House disagree to the conference report in order to make certain changes in the conference report and that the House further insist upon its disagreement to the Senate amendment and ask for a further conference.

The SPEAKER. The gentleman from Illinois calls up the conference report on the naval appropriation bill and desires to move that the House disagree to the report, being a partial report—it is a partial report, as the Chair understands.

Mr. FOSS. It is a partial report.

Mr. RIXEY. Mr. Speaker, I desire to ask the chairman of the committee a question. I understand it is simply to correct some error in the report.

Mr. FOSS. It is to correct some provisions agreed to by the House managers, the full effect of which was not understood at the time.

Mr. RIXEY. I want to ask the gentleman this question: There are two or three amendments upon which there will be motions to concur. Now, is the recommittal of this report for the purpose of making any agreement as to matters already disagreed to?

Mr. FOSS. No. The matters which are in disagreement now will be reported in disagreement.

Mr. RIXEY. I give notice now, Mr. Speaker, to the chairman of the committee that I shall ask for a separate vote on the amendment of the Senate as to the battle ship.

Mr. FOSS. Yes; that will be still in disagreement.

The SPEAKER. The Chair understands the gentleman from Illinois to ask unanimous consent to dispense with the reading of the report and the statement in lieu thereof, and to disagree to the report; otherwise the report, as it seems to the Chair, would have to be read or the statement.

Mr. FOSS. I will ask that, Mr. Speaker.

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

Mr. FOSS. Now, Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendments, and ask for a further conference.

The SPEAKER. The gentleman moves that the House still insist upon its disagreement to the Senate amendments, and ask for a further conference.

Mr. HULL. A further inquiry: Have we disposed of the conference report yet?

The SPEAKER. Yes; the conference report has been disagreed to.

Mr. HULL. By unanimous consent?

The SPEAKER. Yes.

Mr. HULL. Then, Mr. Speaker, I want to call attention to amendment No. 4, on page 4 of the printed bill. I do not know what page it is of the bill that is in conference. The Senate struck out some language that was inserted by the House, I think very properly so. The House provision made a double method of computing mileage in this, that it gave a naval officer, whenever he had a short trip, all of his expenses, including his hotel bill, and if he had a long trip he could get 8 cents a mile. Of course, it says it is under the discretion of the Secretary of the Navy, but we know how those matters are adjusted. Now the Navy has 8 cents a mile for travel, and after years it has been agreed it was fair compensation. The Army has 7 cents a mile, and after years it has been agreed that that was fair compensation. I am not seeking to change the compensation of either, but I want to protest against any change that does not put them both on an equality, and just as sure as this provision is allowed to stand in the bill it will result in the Army coming in and wanting their expenses in these matters——

Mr. WILLIAMS. Point of order, Mr. Speaker.

The SPEAKER. Does the gentleman submit any motion or proposition?

Mr. HULL. I move that the House recede and concur in amendment No. 4.

The SPEAKER. The gentleman from Iowa moves that the House do recede in the following Senate amendment, which the Clerk will report.

The Clerk read as follows:

Amendment No. 4: Page 3, line 21, strike out all after "dollars" down to and including "allowed," in line 25.

The SPEAKER. The Clerk will report the text.

The Clerk read as follows:

The words proposed to be stricken out being as follows: *"Provided,* That hereafter in cases where orders for travel are given to officers of the Navy or the Marine Corps the Secretary of the Navy, in his discretion, may direct that their mileage or else their actual and necessary expenses only shall be allowed."

Mr. FOSS. I suggest to the gentleman from Iowa [Mr. HULL] that he allow us to go to a full conference on this matter, and I say we will bring this back in disagreement if we do not strike it out.

Mr. HULL. What I am afraid of is that the Senate will immediately recede. If they recede, you can not bring it back. You can not prevent them from receding, and they receded with such alacrity this time that I am afraid to risk it again. I have perfect faith in the statement of the gentleman, but the minute the Senate recedes the House conferees are tied up.

The SPEAKER. The gentleman from Iowa moves that the House do recede from the Senate amendment No. 4 and concur in the same.

Mr. FOSS. Mr. Speaker, I have no objection to the motion of the gentleman from Iowa, if he insists upon it.

The SPEAKER. The question is on the motion of the gentleman from Iowa [Mr. HULL].

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

Mr. BURTON of Ohio. As I understand, this amendment No. 56, pertaining to the battle ship, is to be again reported?

Mr. FOSS. I have so stated to the gentleman from Virginia.

Mr. PERKINS. Mr. Speaker, I rise to a parliamentary inquiry. I desire to ask a separate vote at the proper time on amendment No. 6, and I wish to ask the gentleman in charge of the bill if, as the conference now stands, an opportunity will be offered to vote upon that amendment?

Mr. FOSS. Is that the one in regard to the civil-war veterans?

Mr. PERKINS. Yes.

Mr. FOSS. Yes; that will be reported in this agreement.

Mr. PERKINS. Very well. Then there can be a separate vote asked on that?

Mr. FOSS. Yes.

The SPEAKER. The motion made by the gentleman from Illinois [Mr. Foss] is that the House do further insist on its disagreement to the remaining Senate amendments and ask for a conference.

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

The SPEAKER announced the following conferees: Mr. Foss, Mr. LOUDENSLAGER, and Mr. MEYER.

LEAVE TO PRINT.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent that general leave to print on the item of the appropriation bill relating to the Panama Canal may be given for five days.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, do I understand that request to be to print remarks solely upon that question?

Mr. GROSVENOR. Solely upon that question.

Mr. WILLIAMS. Then I have no objection.

The SPEAKER. The Chair hears no objection.

PUBLIC-LAND LAWS.

The SPEAKER laid before the House the bill H. R. 12323, "An act to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Reservation, in the State of Utah," with Senate amendments.

Mr. LACEY. Mr. Speaker, I ask unanimous consent to nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Iowa [Mr. LACEY] moves to nonconcur in the Senate amendments and ask for a conference. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. LACEY, Mr. MONDELL, and Mr. BURNETT.

NATIONAL BANKS.

The SPEAKER laid before the House the bill H. R. 8973, "An act to amend section 5200 of the Revised Statutes of the United States relating to national banks," with Senate amendments.

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

Mr. WILLIAMS. Mr. Speaker, I would like to know something about that.

The SPEAKER. The gentleman from Missouri [Mr. SHARTEL] moves that the House do concur in the Senate amendments.

Mr. WILLIAMS. Mr. Speaker, I would like to have some statement about this, in order to know something as to what it is.

Mr. SHARTEL. Mr. Speaker, the Senate amendment changes the House bill from the total amount to be loaned to one firm or individual by national banks from 20 per cent of the capital stock to 30 per cent. The House bill provides that a national bank can loan 10 per cent of its capital and surplus, the total loan in no case to exceed 20 per cent of the capital stock. This amendment changes this item to 30 per cent, and will only affect a very few, not a large number, of national banks.

Mr. BARTLETT. Will the gentleman allow me to ask him a question?

Mr. SHARTEL. Yes, sir.

Mr. BARTLETT. As I understand it, it does this: The bill as it passed the House provided that no one person should receive a loan from one of these banks to exceed 20 per cent of the capital and surplus?

Mr. SHARTEL. Ten per cent.

Mr. DALZELL. Twenty per cent of the capital.

Mr. BARTLETT. The Senate has made it 30 per cent.

Mr. SHARTEL. I will state the whole question for the gentleman's information, which will make it clear. The House passed a bill providing that a national bank might make a loan up to 10 per cent of its capital and 10 per cent of its surplus. Then they put in a general limitation that no loan should be made in excess of 20 per cent of its capital stock. It does not make any difference what the surplus may be. It may be more than 100 per cent. The Senate changed that 20 per cent to 30 per cent.

Mr. BARTLETT. That is what I asked the gentleman.

Mr. SHARTEL. I can illustrate it this way, so as to get the idea clear: The Senate amendment does not affect any bank that has a surplus of an amount less than equal to the capital stock, but there are banks that have a surplus of two or three times the capital stock, and the amount they can loan is 30 per cent of the capital stock.

Mr. BARTLETT. That is, any man may now borrow from a bank upon the capital stock and surplus; and they have changed it from 20 to 30 per cent?

Mr. DALZELL and others. No.

Mr. WANGER. I desire to ask the gentleman a question. As I understand it, the Senate committee reported an amendment to the Senate changing the per cent from 20 to 30 per cent. The Senate adopted that amendment to the amendment, and then voted down the proposition. So there is no provision on that subject beyond the primary provision that a loan shall not exceed 10 per cent of the capital and 10 per cent of the surplus.

Mr. SHARTEL. No; the gentleman is mistaken.

Mr. BATES. Will the gentleman allow me to ask a question? As I understand this measure, the bill as it passed the House allowed a national bank to loan 10 per cent only of its capital, as it now is, and surplus as well. Now, the Senate amendment provided that at no time shall the loan exceed 20 per cent of its capital. They increased that to 30 per cent of the capital, so that at no time can a loan exceed 30 per cent of the capital.

The SPEAKER. Without objection, the amendment will be again reported.

The amendment was again reported.

The SPEAKER. The gentleman from Missouri moves that the House do concur in the Senate amendment.

Mr. MADDEN. Mr. Speaker, this amendment of the Senate proposes to authorize the loan of $300,000, say, to any one individual by a bank having a capital of $1,000,000, assuming that it has large enough surplus to allow it to make such a loan. It seems to me that any such provision would be a dangerous thing to the banking interests of the country and to the financial interests of the country. If any one individual is allowed to borrow so large a proportion of the capital stock of any bank, the danger that exists under such conditions would be that if a corporation, firm, or individual making so large a loan found itself in any financial difficulty it or he might fail and bring the bank into bankruptcy. Whereas on the other hand, if only moderate loans are allowed to be made to any one concern, the capital of the bank is distributed among various business enterprises, and the chance is much greater for its continuing to do a legitimate business than under the provisions of this amendment.

Then, too, the security of the depositor is reduced by offering an incentive to bankers to organize new institutions with a small capital and large surplus, thus reducing the liability of the stockholders and making the directors and officers less careful in making loans. If the capital stock is large, the liability of the stockholders offers a better security to the depositor. The greater the liability of bankers to the depositor, the more conservative they are sure to be. Conservatism in our banking institutions should be encouraged. This bill encourages reckless loans, makes the banks less safe, and the stability of the business institutions of the country less secure. Then, too, there is the danger that banks will reduce their capital to evade taxation. Aside from this surplus is always an uncertain quantity. It may be carried on the books when it should be charged off on account of losses. This bill opens the doors to reckless management, to extravagant loans, to evasion of taxation, and to an unwarranted and dangerous reduction in the security heretofore afforded the depositor. It should not pass.

Mr. SHARTEL. The gentleman is entirely mistaken in what he says about the taxation or the national banks evading taxation, as I do not know of any State in the Union in which the surplus of a bank is not taxed the same as its capital stock. My observation is that a large cash surplus in the hands of a bank is much better protection to the depositors than the uncertain and unknown quantity of what might be collected from the stockholders on their liability on the stock. The fact that the stockholders of a bank are willing year after year to allow their earnings to remain in the bank as a surplus account is one of the best evidences of good management and the thorough solvency of the institution.

This bill only places the national banks in line and in shape to take care of the conservative business of the country and, in my opinion, it has no tendency whatever to make dangerous banking in any manner.

Mr. STAFFORD. Will the gentleman allow me to ask him a question?

Mr. SHARTEL. I would like to state this proposition, which does not seem to be understood, then I will answer a question.

Mr. Speaker, the present national banking law allows a national bank to loan 10 per cent of its capital stock to one person, firm, or corporation. The bill of the House, as it passed the House, provided that a national bank could loan to one person, firm, or corporation, 10 per cent of its surplus in addition to 10 per cent of its capital. This amount was limited in this way, providing that no loan of this kind should exceed in amount 20 per cent of the original capital stock. The Senate amended the bill by striking out the word "twenty" and inserting the word "thirty," so that no loan under any circumstances, under the Senate amendment, can exceed 30 per cent of the capital stock.

Mr. PAYNE. And then only in case the surplus is equal in amount to its capital stock and more.

Mr. SHARTEL. Yes. A bank having $100,000 capital and $100,000 surplus, under the bill as amended by the Senate could only loan $20,000, or an amount equal to 20 per cent of the capital stock, to one firm or individual.

Mr. MADDEN. Under the present law they can only loan 10 per cent.

Mr. SHARTEL. They can only loan 10 per cent, no matter how large a surplus they have. Now, a bank having $100,000 capital and $400,000 surplus could, under the Senate amendment, loan the original $10,000 on the capital stock and $20,000 on the surplus, which would be $30,000 instead of $20,000, the limit in the House bill. I think the amendment is a good one. It does not endanger the banking business in the least, and is only in the interest of good business for the banks and the people.

Mr. PADGETT. Will the gentleman submit to a question?

Mr. SHARTEL. Yes.

Mr. PADGETT. Is not the effect of this to encourage small capitalization and a large surplus, so as to avoid assessment liability on stock in case of the failure of a bank?

Mr. SHARTEL. No; I think not.

Mr. PADGETT. Why not? You may loan the surplus, and there is no assessment liability on surplus. There is an assessment liability upon stock, so that there would be an encouragement to avoid stock liability and to organize a bank upon small capital and with a large surplus.

Mr. OLMSTED. As long as the bank has a big surplus there will not be any assessment.

Mr. PADGETT. But if the bank failed there would be a small individual liability.

Mr. STAFFORD. In the bill you originally introduced you did not have any limitation whatsoever on the 10 per cent loan of the surplus; but afterwards you put in a proviso limiting it to a total of 20 per cent of the capital, and that 20 per cent was for the express purpose so that banks would not have an inducement to diminish their capital stock at the expense of their surplus and avoid taxation in some States and in others avoid the double liability to which the gentleman from Tennessee [Mr. PADGETT] has referred. And was not that proviso put in at the request of the gentleman from Connecticut [Mr. HILL], who stated that he would oppose the bill unless such a limit was put there? And now you are raising it 10 per cent more.

Mr. SHARTEL. The gentleman's statement is partly correct and partly incorrect. There was no mention made of any certain limitation, but it was thought best by the Committee on Banking and Currency to put in some limitation for the reasons that have been stated. This Senate amendment would not, I believe, affect fifty banks in the United States. I doubt if there are more than fifty banks in this country that have three times as much surplus as capital. The bill relieves the situation as far as between five and six thousand national banks are concerned in the United States. This increase to 30 per cent is a matter of very little importance, because the bank must have twice as much surplus as capital before the limitation would apply.

Mr. STAFFORD. Are there not many banks in large cities that have a great deal more surplus than capital? For instance, the Chemical National Bank in New York City.

Mr. SHARTEL. Very few.

Mr. STAFFORD. And banks in Pittsburg and Chicago and many other cities.

Mr. SHARTEL. Not many. I think fifty will cover the whole number.

Mr. WILLIAMS. I understand that there are very few banks now that have twice as much surplus as capital stock; but if they are encouraged to increase their surplus while they decrease their capital stock to avoid liability of the stockholders, the double liability which exists in some States, I am afraid that it will not be long before there will be a good many banks with double as much surplus as capital stock. It seems to me this will encourage them to have double as much surplus as stock. The gentleman must keep in mind that the stockholders of the bank are liable for 100 per cent of their stock—that is, they have a double liability, and as far as they can operate on the basis of their stock they are limited by their personal double liability. But if they are encouraged to decrease the stock and increase the surplus, they are encouraged to do an unsafe business. It seems to me that this is rather an important question to take up now, and I would suggest that gentlemen let it go over until the Members of the House have time to examine and think about it.

Mr. SHARTEL. In answer to the gentleman, I want to say that from practical experience I do not think there is any better evidence of a good bank than one that is building up a large surplus. Whenever the stockholders of a bank are willing year after year to let their earnings remain in the bank, it shows their absolute confidence in the stabilty of the institution. I will say further it has been the policy of the Government to encourage the building up of a good strong surplus.

Mr. WILLIAMS. Is not that true where there is no object to build up a surplus—where they do not exempt them from liability in building up the surplus? I suggest the matter go over until the House can have time to think about it.

Mr. MADDEN. Will the gentleman allow me a question?

Mr. SHARTEL. Certainly.

Mr. MADDEN. Would it not be possible under the plan proposed to have a new bank organized with $50,000 capital and $100,000 surplus, whereas if the law was not in force they would organize a bank with $100,000 and $50,000 surplus?

Mr. SHARTEL. No; I do not think that would occur. Mr. Speaker, I call for a vote.

The SPEAKER. The question is on concurring in the Senate amendment.

The question was taken; and on a division (demanded by Mr. MADDEN) there were—ayes 125, noes 70.

Mr. MADDEN. I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. All those in favor of ordering the yeas and nays will rise. [After counting.] Fourteen gentlemen have arisen; not a sufficient number, and the yeas and nays are refused. The ayes have it, and the amendment is agreed to.

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

PUBLICITY OF INTERNAL-REVENUE LAWS.

The Speaker laid before the House H. R. 14968, an act to amend the internal-revenue laws so as to provide for publicity of its records, with Senate amendments.

The Senate amendments were read.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

COLUMBIAN INDIAN RESERVATION, STATE OF WASHINGTON.

The SPEAKER also laid before the House H. R. 18668, an act to ratify and control soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbian Indian Reservation, in the State of Washington, with Senate amendments.

The Senate amendments were read.

Mr. JONES of Washington. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

SALE OF TIMBER ON LANDS OF THE MENOMINEE TRIBE, WISCONSIN.

The SPEAKER also laid before the House H. R. 13372, an act to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians in the State of Wisconsin, with Senate amendments.

Mr. CURTIS. Mr. Speaker, I move that the House nonconcur and ask for a conference.

The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS, and Mr. ZENOR.

PUBLIC BUILDING IN GREAT FALLS, MONT.

The SPEAKER also laid before the House the following resolution of the Senate:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 5441) to provide for the purchase of a site for a public building in the city of Great Falls, Mont.

The request was agreed to.

ENROLLED BILLS SIGNED.

Mr. WACHTER, 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. 12707. An act to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States;

H. R. 10106. An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii;

H. R. 19815. An act to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River, between Columbus, Ga., and Franklin, Ga.;

H. R. 3997. An act for the relief of John A. Meroney; and

H. R. 19816. An act to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.

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

S. 4961. An act granting a pension to William Ickes;
S. 5155. An act granting an increase of pension to Charles H. Van Dusen;
S. 5038. An act granting an increase of pension to James Richards;
S. 5195. An act granting an increase of pension to Sidney H. Cook;
S. 6264. An act granting a pension to Cornelius Sullivan;
S. 6222. An act granting an increase of pension to John A. Alden;
S. 6272. An act granting an increase of pension to Harvey Gamble;
S. 4651. An act granting an increase of pension to Rufus M. Ashley;
S. 4550. An act granting an increase of pension to Henry Moody;
S. 6192. An act granting an increase of pension to John Coker;
S. 4459. An act granting an increase of pension to Edwin K. Lamson;
S. 4391. An act granting an increase of pension to Abner R. Barnes;
S. 4390. An act granting an increase of pension to Rebecca A. Alexander;
S. 4375. An act granting an increase of pension to David McCredie;
S. 4318. An act granting an increase of pension to Henry S. Bennett;
S. 4268. An act changing the name of Douglas street to Clifton street;
S. 4047. An act granting an increase of pension to William Morehead;
S. 3735. An act granting a pension to Phebe W. Drake;
S. 3168. An act granting an increase of pension to Obadiah Derr;
S. 3122. An act granting an increase of pension to Erastus C. Clark;
S. 3028. An act granting an increase of pension to Helen C. Sanderson;
S. 2853. An act granting an increase of pension to Bridget Quinn;
S. 2624. An act granting an honorable discharge to Henry G. Thomas, deceased, Company C, Second Kentucky Cavalry;
S. 2566. An act granting an increase of pension to George H. Rodebeaver;
S. 2501. An act granting an increase of pension to Jessie E. Foster;
S. 2294. An act granting a pension to Michael Reynolds;
S. 2270. An act for the relief of Nicola Masino, of the District of Columbia;
S. 59. An act providing for the establishment of a uniform building line on streets in the District of Columbia less than 90 feet in width;
S. 4170. An act to amend an act approved March 3, 1891, entitled "An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1891, and for prior years, and for other purposes;"
S. 4376. An act to quitclaim all the interest of the United States of America in and to a certain lot of land lying in the District of Columbia and State of Maryland to heirs of John C. Rives, deceased;
S. 257. An act granting an increase of pension to Caleb T. Bowen;
S. 1936. An act granting an increase of pension to Lorenzo W. Smith;
S. 1976. An act granting a pension to William N. Dickey;
S. 1422. An act granting an increase of pension to George L. Wakefield;
S. 6188. An act granting an increase of pension to Sarah Young;
S. 6187. An act granting an increase of pension to Martha Jane Bolt;
S. 1254. An act granting an increase of pension to Orlando H. Langley;
S. 6168. An act granting an increase of pension to Calvin Lambert;
S. 6164. An act granting an increase of pension to Julius S. Couendet;
S. 6155. An act granting an increase of pension to Samuel H. Davis;
S. 6154. An act granting an increase of pension to Edwin Freeman;
S. 6141. An act granting an increase of pension to Ransom C. Russell;
S. 6138. An act granting an increase of pension to Eliza P. Norton;
S. 6065. An act granting an increase of pension to Ellen M. Dyer;
S. 6041. An act granting an increase of pension to James N. Brown;
S. 5952. An act granting an increase of pension to Hyacinth Dotey;
S. 6006. An act granting an increase of pension to William N. Couch;
S. 5898. An act granting an increase of pension to Louisa A. Clark;
S. 5877. An act granting an increase of pension to Charles O. Bryan;
S. 5870. An act granting an increase of pension to Samuel H. Morrison;
S. 5811. An act to amend section 3646 of the Revised Statutes of the United States, as amended by act of February 16, 1885, as amended by act of March 23, 1906;
S. 5810. An act granting an increase of pension to Thomas McGowan;
S. 5800. An act granting an increase of pension to James N. Davis;
S. 5598. An act granting an increase of pension to Almond Greeley;
S. 5543. An act granting an increase of pension to William A. Humrich;
S. 5447. An act granting an increase of pension to Oliver H. Hebben;
S. 5353. An act granting an increase of pension to Thomas W. Carter;
S. 5262. An act granting an increase of pension to Frank N. Nichols;
S. 5148. An act granting an increase of pension to Mildred McCarkle; and
S. 4741. An act granting an increase of pension to Andrew J. Workmen.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:
S. 6395. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Lè Grand Young and the Government of the United States, and for other purposes—to the Committee on Military Affairs.
S. 6364. An act to incorporate the National Child Labor Committee—to the Committee on the District of Columbia.
S. 6214. An act for the relief of Jarib L. Sanderson—to the Committee on Claims.
S. 5698. An act to regulate the practice of veterinary medicine in the District of Columbia—to the Committee on the District of Columbia.
S. 4089. An act to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army—to the Committee on Military Affairs.
S. 2732. An act for the protection of wild animals in the Grand Canyon Forest Reserve—to the Committee on the Public Lands.
S. 1442. An act to increase the efficiency of the militia and promote rifle practice—to the Committee on Militia.
S. R. 66. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. José Martin Calvo, of Costa Rica—to the Committee on Military Affairs.
S. 1291. An act for the relief of James W. Watson—to the Committee on Claims.

LEAVES OF ABSENCE.

By unanimous consent, the following leaves of absence were granted as follows:
To Mr. MAHON, for five days, on account of sickness in his family.
To Mr. GAINES of Tennessee, indefinitely, on account of important business.

LAND OF THE OSAGE INDIANS IN OKLAHOMA TERRITORY.

The SPEAKER also laid before the House the bill H. R. 15333, "An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes," with Senate amendments.
Mr. CURTIS. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference.
The motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. SHERMAN, Mr. CURTIS, and Mr. ZENOR.

Mr. TAWNEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII. bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk. and referred to the several Calendars therein named, as follows:

Mr. RICHARDSON of Alabama, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20097) to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River, reported the same without amendment, accompanied by a report (No. 4936); which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20119) to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North, reported the same without amendment, accompanied by a report (No. 4937); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20179) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealling sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes, reported the same without amendment, accompanied by a report (No. 4938); which said bill and report were referred to the House Calendar.

Mr. VOLSTEAD, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10502) appropriating the receipts from the sale of public lands in the State of Minnesota to the construction of drainage works for the reclamation of swamp and overflowed lands, reported the same with amendment, accompanied by a report (No. 4940); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. McCARTHY, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 5998) creating the Mesa Verde National Park, reported the same with amendment, accompanied by a report (No. 4944); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. SHACKLEFORD, from the Committee on Claims, to which was referred the bill of the Senate (S. 682) for the relief of Andrew H. Russell and William R. Livermore, reported the same with amendment, accompanied by a report (No. 4939); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. DALZELL: A bill (H. R. 20246) to amend "An act to provide for refunding taxes paid upon legacies and bequests for uses of a religious, charitable, or educational character, for the encouragement of art, and so forth, under the act of June 13, 1898, and for other purposes," approved June 27, 1902—to the Committee on Ways and Means.

By Mr. LOVERING: A bill (H. R. 20247) to make the currency responsive to the varying needs of business at all seasons and in all sections—to the Committee on Banking and Currency.

By Mr. ALEXANDER: A bill (H. R. 20248) to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water—to the Committee on Interstate and Foreign Commerce.

By Mr. WILLIAMS: A resolution (H. Res. 590) that Mr. Robert Bowman, jr., be appointed assistant clerk to the conference minority—to the Committee on Accounts.

By Mr. MOORE: A resolution (H. Res. 591) to pay R. E. Tompkins balance of salary for clerk hire—to the Committee on Accounts.

Also, a resolution (H. Res. 592) to pay E. D. Bell balance of salary for clerk hire—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 20249) granting an increase of pension to David N. Louthen—to the Committee on Invalid Pensions.

By Mr. CAMPBELL of Kansas: A bill (H. R. 20250) granting an increase of pension to Thomas McBride—to the Committee on Pensions.

By Mr. DALZELL: A bill (H. R. 20251) granting a pension to Regina O'Brien—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 20252) granting a pension to David Crouch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20253) granting an increase of pension to David S. Reed—to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 20254) granting an increase of pension to George F. Irvine—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 20255) granting a pension to James L. Swan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20256) granting a pension to Lydia Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20257) granting an increase of pension to Manda M. Hill—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 20258) granting an honorable discharge to George H. Preddy—to the Committee on Military Affairs.

By Mr. PATTERSON of South Carolina: A bill (H. R. 20259) for the relief of Abram Gilchrist—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 20260) for the relief of the trustees of the Oak Grove Methodist Church South, of Jackson County, Ala.—to the Committee on War Claims.

By Mr. SMITH of Maryland: A bill (H. R. 20261) granting an increase of pension to Burris Subers—to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By the SPEAKER: Petition of Jane Addams, of Hull House, Chicago, against certain features of proposed legislation in restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BATES: Petition of William Hamilton, president Erie Car Works, Erie, Pa., against the eight-hour bill—to the Committee on Labor.

Also, petition of H. K. Mulford Company, Philadelphia, for bill to regulate price of mileage tickets on railway transportation companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of S. W. Pennypacker, for amendment to naval appropriation bill to provide model of battle ship to be placed in each State capitol—to the Committee on Naval Affairs.

By Mr. BARCHFELD: Petition of National German-American Alliance, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

Also, petition of Philadelphia Association of Retail Druggists, favoring the Mann bill (H. R. 8102)—to the Committee on Patents.

Also, petition of H. K. Mulford Company, for the Sulzer bill relative to regulation of railway mileage tickets—to the Committee on Interstate and Foreign Commerce.

Also, petition of Board of Trade of city of Chicago, for rigid inspection by Government of packing-house products—to the Committee on Interstate and Foreign Commerce.

By Mr. BIRDSALL: Petition of H. Helgwold, of Clarion; William Savidge, of Hampton; J. H. Tusler, of Dubuque; H. T. Conn, of Rowan; F. H. Dunlap, of Hopkinton; J. N. Cropp, of Farley; L. C. Kahrs, of Hubbard; Carl Besler, of Worthington; James McCulloch, of Hopkinton; A. Armstrong, of Iowa Falls, and O. H. Helgwold, of Clarion, all in the State of Iowa, for pure-food law and Federal inspection of meat packers—to the Committee on Interstate and Foreign Commerce.

By Mr. BOUTELL: Resolution of mass meeting, Chicago, June 11, 1906, against passage of immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition of board of directors of Board of Trade of Chicago, for a thorough Government inspection of packing-house products—to the Committee on Interstate and Foreign Commerce.

Also, petition of H. K. Mulford Company, favoring the Sulzer bill relative to regulation of railway fares as mileage tickets—to the Committee on Interstate and Foreign Commerce.

Also, petition of National German-American Alliance, for the furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

By Mr. CAMPBELL of Kansas: Paper to accompany bill for relief of Thomas McBride—to the Committee on Pensions.

By Mr. DAWSON: Petition of National German-American Alliance, for the furtherance of the principle of arbitration—to the Committee on Foreign Affairs.

By Mr. DRAPER: Petition of National German-American Alliance, for formulating treaties of arbitration acceptable to all well-disposed nations—to the Committee on Foreign Affairs.

By Mr. ESCH: Petition of United Commercial Travelers of America, against consolidation of third and fourth classes of mail matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of National German-American Alliance, for furtherance of principle of arbitration—to the Committee on Foreign Affairs.

By Mr. GRAHAM: Petition of H. K. Mulford Company, for the Sulzer bill relative to regulating mileage tickets on railroads—to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia Association of Retail Druggists, for the Mann bill (H. R. 8102)—to the Committee on Patents.

Also, petition of National German-American Alliance, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

Also, petition of Board of Trade of Chicago, for thorough Federal inspection of meat packing-house products—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR. Petitions, in form of letters and telegrams, protesting against passage of eight-hour bill from the following cities: New Britain, Conn.; Chicopee Falls, Mass.; Mansfield, Ohio; Rochester, N. Y.; Boston, Mass.; Somerville, Mass.; Cleveland, Ohio; St. Louis, Mo.; Dayton, Ohio; Keokuk, Iowa; Canton, Ohio; Minneapolis, Minn., and Cincinnati, Ohio.

Also, petition of certain oil producers of Marietta, Ohio, against the pipe-line amendment in conference report on the so-called "rate bill" as destructive of their business—to the Committee on Interstate and Foreign Commerce.

By Mr. HITT: Petition of Bernhard Johnson and 16 others, of Rock Falls, Ill., for thorough examination but not hasty action on packing houses—to the Committee on Agriculture.

By Mr. HUFF: Petition of oil producers, against the pipe-line amendment to rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL: Petition of Frank H. Jones, for bill to extend additional bounty of $100 to ex-soldiers of civil war who were entitled to $100—to the Committee on War Claims.

By Mr. LACEY: Petition of J. A. Slater, of Batavia; John Newcomer, of Newburg; J. F. Judge, of Melrose; Loftus Fox and L. W. Shaw, of New Sharon; E. and C. E. Hatcher, of Whatcheer, and G. L. Dutton, of Rutland, all in the State of Iowa, for pure-food bill and Federal inspection of meat packers—to the Committee on Interstate and Foreign Commerce.

By Mr. LILLEY: Paper to accompany bill for relief of Ambrose G. Bailey—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of Board of Trade of Chicago, for an efficient Government inspection of slaughtering and meat packing—to the Committee on Interstate and Foreign Commerce.

Also, petition of National German-American Alliance, for formulation of treaties of arbitration that may be acceptable both to the President and Senate and meet approval of all well-disposed nations—to the Committee on Foreign Affairs.

By Mr. MANN: Petition of Chicago Grocers and Butchers' Association, for the Dixon bill (H. R. 3090)—to the Committee on Reform in the Civil Service.

Also, petition of Adolph Kraus et al., Chicago, against increased head tax on immigrants—to the Committee on Immigration and Naturalization.

Also, petition of A. E. Burnside Post, Grand Army of the Republic, No. 109, Department of Illinois, for the Hamilton pension bill—to the Committee on Invalid Pensions.

By Mr. MILLER: Petition of Martha J. Sleeth et al., for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. NORRIS: Petition of J. W. Hann, for an amendment to post-office laws and regulations making legal all paid paper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for relief of Abram Gilchrist—to the Committee on War Claims.

By Mr. RYAN: Petition of National German-American Alliance, for furtherance of the principle of arbitration—to the Committee on Foreign Affairs.

By Mr. WHARTON: Petition of Chicago Live Stock Exchange, for investigation of methods in the slaughtering and meat-packing business—to the Committee on Interstate and Foreign Commerce.

SENATE.

SATURDAY, *June 16, 1906.*

Prayer by Rev. ULYSSES G. B. PIERCE, of the city of Washington.

NAMING A PRESIDING OFFICER.

Mr. KEAN called the Senate to order, and the Assistant Secretary read the following letter:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
June 16, 1906.

To the Senate:

Being temporarily absent from the Senate, I hereby appoint Senator JOHN KEAN to perform the duties of the Chair.

WM. P. FRYE,
President pro tempore.

Mr. KEAN thereupon took the chair as Presiding Officer, and directed that the Journal be read.

THE JOURNAL.

The Secretary proceeded to read the Journal of yesterday's proceedings; when, on request of Mr. SCOTT, and by unanimous consent, the further reading was dispensed with.

The PRESIDING OFFICER (Mr. KEAN). The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. C. R. MCKENNEY, its enrolling clerk, announced that the House had passed the bill (S. 4184) to ratify, approve, and confirm an act duly enacted by the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 8973. An act to amend section 5200 of the Revised Statutes of the United States relating to national banks;

H. R. 14968. An act to amend the internal-revenue laws so as to provide for publicity of its records; and

H. R. 18668. An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia; and

H. R. 19264. An act making appropriations for the diplomatic and consular service for the fiscal year ending June 30, 1907.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. MONDELL, and Mr. BURNETT, 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. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians in the State of Wisconsin, asks a conference with the Senate on the disagree-