

HOUSE OF REPRESENTATIVES.

THURSDAY, August 22, 1912.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, help us to praise and magnify Thy holy name by the purity of our thought, the wisdom of our speech, the nobility of our acts, that we may be one with Thee. "The Spirit itself beareth witness with our spirit that we are the children of God; and if children, then heirs; heirs of God and joint heirs with Christ; if so be that we suffer with Him, that we may be also glorified together." Thus may we be indeed followers of Him who spake as never man spake, the paragon of perfection, who died like a God and opened the gates of heaven to every living soul. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSION BILLS.

Mr. CRAGO. Mr. Speaker, I am directed by the Committee on Pensions to call up the conference reports on Senate bills 6384 and 6851 and move their adoption.

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

The Clerk read as follows:

S. 6384. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the report.

The report was read, as follows:

CONFERENCE REPORT (NO. 1224).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6384) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers or sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1 and 2. That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same.

DAN. A. DRISCOLL,

IRA W. WOOD,

Managers on the part of the House.

P. J. McCUMBER,

HENRY E. BURNHAM,

Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1, the case of Rebecca Strouther (S. 799): This is a case where the Senate proposes to grant a pension to the beneficiary as the dependent mother of a soldier who was stabbed by a comrade. The item was stricken from the bill by the House on the grounds that injury was not received while in line of duty. In the opinion of your conferees, the soldier, being in his bunk when he was stabbed, was in line of duty, and hence it is recommended that the House recede from its amendment striking that item from the bill.

Amendment No. 2, the case of Maggie Boutiette (S. 2850): The beneficiary is the widow of a scout and guide in the Indian uprisings. The House struck the item from the bill on the grounds that soldier's death was not due to service. The soldier's service was recognized by act of Congress, and the Senate passed this item upon the grounds that as Congress had recognized the service of the soldier that recognition should not be withheld from the widow. The House recedes from its amendment.

Amendment No. 3, Mary Meade Sands (S. 5655): The House struck this item from the bill on the grounds that the widow has some \$15,000 worth of property, producing her an income in addition to her pension of \$30 per month, and that a showing of dependency is not made. The Senate recedes from its disagreement to the amendment of the House.

DAN. A. DRISCOLL.

IRA W. WOOD.

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

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

S. 6851. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 1223).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 6, 7, 8, and 10.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, and 9, and agree to the same.

DAN. A. DRISCOLL,

IRA W. WOOD,

Managers on the part of the House.

P. J. McCUMBER,

HENRY E. BURNHAM,

Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1, the case of John A. Connolly (S. 347): The House struck the item from the bill on the grounds that soldier's disability is not shown to be due to service. But in view of the fact that soldier did incur malarial poisoning in the service, which is a progressive disease, it is possible that his condition is now due to that disability. The House recedes from its amendment.

Amendment No. 2, the case of Benjamin A. Yates (S. 757): The soldier is now pensioned at \$8 per month. The Senate passed the bill at \$12 per month. The soldier has not applied for pension for a number of years and is suffering from a progressive disease. According to the rules of both committees he should exhaust all rights at the bureau, hence the House struck the item from the bill, and the Senate recedes from its disagreement to that amendment.

Amendment No. 3, the case of James Tompach (S. 1481): The House struck this item from the bill on the grounds that the soldier is suffering from a progressive disease and has not made application at the bureau for a number of years. The Senate recedes from its disagreement to that amendment.

Amendment No. 4, Albert W. Kelley (S. 2557): The House struck this item from the bill on the grounds that the soldier's disability is not due to service and on the further grounds that bills for the relief of this soldier in the Sixtieth and Sixty-first Congresses were adversely acted upon by that body. The Senate recedes from its disagreement to the amendment.

Amendment No. 5, Andrew L. Weatherford (S. 2616): The House struck this item from the bill on the grounds that claimant has not exhausted all rights at the bureau, not having had his claim there rejected. If his disability has increased he should get relief at the bureau. The Senate recedes from its disagreement to this amendment.

Amendment No. 6, Roscoe C. Tartar (S. 3188): The House struck this item from the bill on the grounds that soldier's condition is not due to service. The soldier did incur disability in the service and is in bad physical condition. The House recedes from its amendment.

Amendment No. 7, the case of Otto Paulson (S. 3589): The House struck this item from the bill on the grounds that evidence of incurrence of disability in the service is not satisfactory. Evidence of the Member who introduced the bill is that the soldier was a strong, healthy young man when he entered the service, and that upon his return home has not been able to hold any position on account of ill health. The House recedes from its amendment.

Amendment No. 8, Tivis C. Simmons (S. 3715): The House struck this item from the bill on the grounds that the evidence was not conclusive as to disability, except malaria, being of service origin. A further examination of the evidence leads them to believe that rheumatism, resulting from malarial poisoning, brought on soldier's present condition, and the House recedes from its amendment.

Amendment No. 9, Emily J. Chambers (S. 6117): The House struck this item from the bill on the grounds that the soldier had not served full time in the Indian wars, and the widow did not marry him until some 25 years after service was performed. The Senate recedes from its disagreement to this amendment.

Amendment No. 10, John Mooney (S. 6309): The House struck this item from the bill on the grounds that the evidence was not conclusive as to disability being due to service. A further examination of the testimony shows that 11 neighbors testified that soldier was in good health prior to enlistment, but since his return has been in poor health, whereas two neighbors testify that some years before his enlistment the soldier had an attack of rheumatism. The preponderance of evidence being in favor of the soldier, the House recedes from its amendment.

DAN. A. DRISCOLL,

IRA W. WOOD,

Managers on the part of the House.

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

Mr. CRAGO. Mr. Speaker, I desire to take from the Speaker's table the bill H. R. 25713 and to move to concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25713) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors.

The Senate amendment was read.

The question was taken, and the Senate amendment was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 23112. An act to extend the limits of the port of entry of New Orleans, La.; and

H. R. 25282. An act to authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River.

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

S. 957. An act relating to bills of lading.

ENROLLED BILLS SIGNED.

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

H. R. 21094. An act to create a Commission on Industrial Relations;

H. R. 25282. An act to authorize the Union Pacific Railway Co. to construct a bridge across the Missouri River; and

H. R. 23112. An act to extend the limits of the port of entry of New Orleans, La.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 957. An act relating to bills of lading; to the Committee on Interstate and Foreign Commerce.

DAM ACROSS COOSA RIVER, ALA.

Mr. HEFLIN. Mr. Speaker, I am authorized by the Committee on Interstate and Foreign Commerce to call up the bill S. 7343.

The SPEAKER. The gentleman will read the authorization.

Mr. HEFLIN. I have here, Mr. Speaker, the action of the committee that there was a quorum present, signed by the chairman and the clerk.

The SPEAKER. Are those the minutes of the committee?

Mr. HEFLIN. Yes, sir.

The SPEAKER. First, the Clerk will report the bill.

The Clerk read as follows:

S. 7343. An act to authorize the building of a dam across the Coosa River, Ala., at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka.

Mr. FOSTER. Mr. Speaker—

Mr. HEFLIN. Mr. Speaker, I desire to state—

The SPEAKER. First, the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Alabama Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, are authorized to construct, maintain, and operate a dam across Coosa River, in the State of Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

Sec. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. AUSTIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. For what purpose does the gentleman rise?

Mr. AUSTIN. Mr. Speaker, I wish to make the point that there is no quorum present. I want these speeches to be heard by a quorum present.

Mr. UNDERWOOD. A quorum will be here shortly. I ask the gentleman not to do that.

Mr. AUSTIN. I will withdraw it.

Mr. HEFLIN. Mr. Speaker, I would like to inquire of gentlemen who desire to oppose this bill, if there are any, if they would like to have some time.

Mr. FOSTER. Mr. Speaker, I desire to say to the gentleman from Alabama I am not opposed to the bill, providing we put certain amendments on it.

Mr. HEFLIN. I do not think we can agree on the amendments.

Mr. FOSTER. No; but I think we would like to have a little time.

Mr. UNDERWOOD. I would like to suggest to the gentleman from Alabama [Mr. HEFLIN] and the gentleman from Illinois [Mr. FOSTER] if agreeable, that they offer their amendments now and have them pending, and agree on a time for debate. How would an hour and a half do, equally divided between the two sides?

Mr. FOSTER. That would be all right.

Mr. UNDERWOOD. I suggest to the gentleman from Alabama, then, that he ask unanimous consent that the—

Mr. MANN. Make it two hours.

Mr. UNDERWOOD. Make it two hours, and that amendments may be offered now, so that everybody may understand them and have them pending.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent that we may have two hours for debate, one hour to be controlled by myself and one hour by the gentleman from Illinois [Mr. FOSTER], in which to discuss this matter, and that amendments be introduced and pending so that they may be discussed.

The SPEAKER. That would not cut off anybody from offering amendments at the end.

Mr. MANN. I suppose the purpose of the gentleman is to have the previous question operate at the end of the two hours to cut off amendments?

Mr. HEFLIN. At the end of two hours.

Mr. MANN. If my colleague offers amendments such as were proposed the other day, I think I would like to offer some amendments to the amendments.

Mr. HEFLIN. We can have them all pending, and the previous question ordered at the end of two hours.

Mr. MANN. Suppose at the end of two hours we have opportunity to offer amendments, and at the end of two hours—

Mr. UNDERWOOD. I think it will be all right if the gentlemen will offer their amendments as soon as they possibly can.

The SPEAKER. Let us see if we can get this right. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that the debate on this bill shall continue for two hours, one half of the time to be controlled by himself and the other half by the gentleman from Illinois [Mr. FOSTER]; and that during the two hours anybody can offer an amendment and have it pending, and at the end of two hours the previous question shall be ordered on the bill and amendments to its final passage. Is there objection?

Mr. MANN. That is, the vote would be taken on the amendment at the end of two hours?

The SPEAKER. Yes; of course. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I have really no objection if I may have some of the time to oppose the bill in its present form.

Mr. FOSTER. I will say to the gentleman from Pennsylvania [Mr. MOORE] that I shall be glad to accommodate him.

Mr. MOORE of Pennsylvania. Five minutes will be sufficient.

Mr. FOSTER. All right.

Mr. MOORE of Pennsylvania. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama is recognized for one hour.

Mr. HEFLIN. Mr. Speaker, I desire to consume only about five minutes in opening the debate.

EXTENSION OF REMARKS.

Mr. BOWMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the election contest of McLean against Bowman.

The SPEAKER. The gentleman from Pennsylvania [Mr. BOWMAN] asks unanimous consent to extend his remarks in the RECORD on the election contest of McLean against Bowman.

Mr. HEFLIN. Mr. Speaker, I can not yield any time now.

Mr. GARRETT. Reserving the right to object, Mr. Speaker, the chairman of the Committee on Elections is not present. I remember from the RECORD that there was some reason interjected the other day, and for the present I object.

The SPEAKER. The gentleman from Tennessee objects, and the gentleman from Alabama is recognized for an hour.

DAM ACROSS COOSA RIVER IN ALABAMA.

Mr. HEFLIN. Mr. Speaker, this bill conforms to the general dam act. Quite a number of permits have been granted by the General Government to dam navigable streams under the very same provision that we now seek to invoke in building a dam across the Coosa River. The bill which I call up for consideration at this time is a bill that has been unanimously reported by the Senate committee and almost unanimously passed by the Senate. The Committee on Interstate and Foreign Commerce of this House has authorized me to bring it up for consideration here. It is very important that this bill pass at this session of Congress. It is an exact copy of my bill now on the calendar.

Mr. HUMPHREYS of Mississippi. I would like to ask this question. I have an amendment which I propose to offer. Would the gentleman like me to offer it now?

Mr. HEFLIN. Just send it up and have it pending, and not to be taken out of my time, however.

Mr. HUMPHREYS of Mississippi. It will not take any time away from the gentleman.

Mr. HEFLIN. Well, I will take but five minutes, and the gentleman from Illinois [Mr. FOSTER] will yield to you out of his time.

It is very important that this bill be passed at this session of Congress. The capital for building this dam by the Alabama Power Co. at Lock 18 on the Coosa River has been arranged for, and I desire to state to the House at the outset that they will contribute more to the construction of this dam in the Coosa River—more toward making that river navigable—than the General Government has contributed in 22 years.

There is nothing mysterious about this desire to dam the Coosa River. It is a splendid power site, and will be, when developed, useful to our people. Some of these gentlemen who imagine that they are conservationists are standing in the way of industrial development, and they are hampering the work of navigation.

Congress has already granted a permit to build a dam at Lock 12 on the Coosa project. It did so four or five years ago. That dam is under construction. The capital required to build that dam was obtained upon the terms of that act, passed under the provisions of the general dam act. Now, if gentlemen would hamstring this measure to build a dam at Lock 18, they will have made a distinction between Lock 12 and Lock 18. They did not hamper our people in getting capital under the Lock 12 provision, but they do hamper us in getting capital under Lock 18 if their amendments should be adopted.

The capital, I will state, that was secured from English capitalists and Canadian capitalists, together with some furnished by gentlemen in my own State, was secured under the provisions of the general dam act passed years ago. It was introduced by the gentleman from Illinois [Mr. MANN]. The Federal Government reserves the right and the power to change, alter, or repeal at any time acts passed under its provisions. I ask these gentlemen who pretend to want to encourage industry and enterprise, why hamper us now in the effort to dam the Coosa at Lock 18 by unauthorized Federal restrictions? These gentlemen have a mistaken idea about what conservation is. Oh, conservation, many an ignorant blunder is committed in thy name. Some of these gentlemen do not know anything more about conservation than the schoolboy did about the human anatomy. The teacher called upon him to write an essay on the human anatomy. The great, big, gawky boy, 17 years old, reported in a few days, and this is what he wrote:

The human anatomy is divided into three parts, the head, the "chist," and the stomach. The head contains the brains, if there is any. The stomach contains the liver and the lights, and the chist, it holds the bowels. There are five bowels—a, e, i, o, u, and sometimes w and y.

[Laughter and applause.]

Now, Mr. Speaker, I do not desire to say anything more at this time. I yield to the gentleman from Georgia [Mr. ADAMSON].

Mr. SPARKMAN. Before that, will the gentleman yield to me for a question?

Mr. HEFLIN. I have yielded to the gentleman from Georgia.

Mr. SPARKMAN. I just wanted to ask a question or two of the gentleman from Alabama.

Mr. HEFLIN. Very well.

Mr. SPARKMAN. Has this improvement that is proposed to be made there received the approval of the Chief of Engineers?

Mr. HEFLIN. It has.

Mr. SPARKMAN. Could the gentleman give us any idea of the extent of the navigable features that this improvement will add to that stream?

Mr. HEFLIN. Well, I do not know just how much of the river will be made navigable, but the Alabama Power Co. will spend \$1,600,000 in the construction of this dam, and that is more than the Federal Government has appropriated for navigable purposes on that river in 22 years.

Mr. SPARKMAN. I did not know but that the gentleman could give me particular information on that point.

Mr. ADAMSON. Mr. Speaker, I have several times stated to the House the position of the Committee on Interstate and Foreign Commerce as to granting the consent of Congress for private owners, on their own land, to construct, at their own expense, dams for the development of water power in navigable rivers. I have deprecated the unfair conduct of obstructionists under the false, misleading, and fraudulent name of "conservationists," unjustly assumed, in objecting to consideration by which only debate on specific propositions could be had and amendments proposed and voted on. Those gentlemen have preferred to hide behind the bulwark of objecting to consideration and then indulge in what they call general debate, which consists in railing at particular individuals, misrepresenting the attitude of the committee, and deluging the country with gush, poppycock, and innuendo, which, boiled down, means unconstitutional centralization as imperialistic and autocratic as that of Xerxes or Ptolemy in relation to the particular matter. The committee had not intended to advert to the subject any more until arrangements could be had for consideration, as talk is worthless without an opportunity for action. To this end we were endeavoring to reach a basis by which action could be had. That effort has failed. In fact, the conciliatory attitude assumed for the sole purpose of securing harmony and action at this session has been misunderstood and abused. The objections on Monday and the repetition of the old stock-in-trade innuendos on Tuesday scatter to the winds all hope of agreement and all those efforts are at an end. I have nothing to do with the personal issues between gentlemen, nor would I be surprised to find some bad men and some bad projects in the development of water power. They are found everywhere in this sinful world, from Eden down. According to the opinions of the gentleman from Tennessee and the gentleman from Illinois, there are two in this House, but I do not agree with their reciprocal statements that they are the two. I do not mean to give offense to any of my colleagues. I have high regard for all who have spoken. What I complain of is that they refuse to consider the principles involved and the scheme under which progress is to be made in this respect, insisting that the committee assume the burden of investigating in detail all the physical features involved, which under our scheme it is the duty of the War Department to do. The reason for this mistake, however, is found in their other fundamental error, that the Federal Government has some right and title to the water powers of the country, although it does not spend one cent nor acquire any property rights to the titles, and that it has the right both to charge rent and collect taxes from the private property of citizens in water power. Laboring under those hallucinations, the charge is repeated that the committee had no hearing nor investigations of the projects involved, and that such a reckless practice is the policy of the committee. The following is the truth, and any contrary statement or contention is fallacious: The right of the Government in the streams is to promote the navigation thereof. The only other right it can ever have is not in the streams, but may arise hereafter to control rates and practices of power companies, if ever they begin to transmit the power generated across State lines. That being the policy as to dams built at the expense of persons other than the Government, the committee, in accordance with the general dam act, refers every bill to the Chief of Engineers through the Secretary of War. They make a thorough and exhaustive investigation in every instance, and the report of the Chief of Engineers on each of these bills shows that that is true, and every assertion to the contrary is false. That investigation covers the relation of the dam to navigation and constitutionally can not cover anything else. In these cases, it is true, the Secretary of War suggested two things entirely ultra vires, contrary to the principles of our Government, violative of private rights, and regardless of local authority, to wit, that the Government should reserve and assert what it has not and can not have without paying for it, a title in water power; and second, a

right to regulate and control the distribution, practices, and rates of power companies without waiting for them to enter the domain of interstate commerce and thereby come within the jurisdiction of the Federal Government.

Recognizing those doctrines as heretical, the committee ignored them and followed the findings of the Chief of Engineers, who had thoroughly investigated the subject. The objectors have not aided the committee by offering any information nor valid objection to any of the projects. Further referring to the policy under the general dam act, this preliminary investigation does not end the duty of the War Department. When a bill is passed, the consent of Congress being granted in accordance with the general dam act, it imposes on the Chief of Engineers the duty in approving plans and specifications of prescribing in connection therewith all necessary provisions for the protection of the interests of the Government, and he has done it in every case under the general dam act. This brings us to the other false charge, a thousand times recklessly repeated in the sensational press and by the men who pander to the sensational press and flourish by their laudation, such flourish as it is, to wit, that no provision is made for the protection of the people. The consent of Congress in every case is granted that the person, natural or artificial, authorized and to be controlled by the State in which the project is located may construct a dam in a navigable stream. The only additional safeguard necessary to prescribe being that navigation shall not be obstructed thereby, but promoted. The constitutional right of the owner to the use of his property and the constitutional reserved power of the State to sanction or forbid the project, to control and regulate the property and derive revenue from taxing it, are not questioned by our action at all, but required; and the Federal Government has no business or concern with it. The doctrine, implied by some and asserted by others, that the Federal Government can take away from the State every right and duty to regulate the security of property and the rights of its citizens sound very strange to thinking people in this Republic. There is but one way given under the Constitution whereby the Federal Government can derive revenue from water power, unless developed at the expense of the Treasury, and that is by a general, uniform excise tax on all water power and all water-power sites. Whenever the Government finds itself in such a strait that it must seek to usurp to itself the last vestige of resources for raising revenue and leave nothing on which the States may maintain their government it will be a sad day for the Republic. This propaganda, filled with hallucination and innuendo, bristles, however, with one clear and distinct false doctrine, and that is the idea that nothing can be done in this country except by the Federal Government; that private property and morality and business interests can not be fostered under the good old democratic way of supervision and regulation by local authority. The truth is, that is the only way, and whenever centralists and misguided enthusiasts succeed in overturning that plan, progress, honesty, morality, and liberty will be gone forever from the land. If all those gentlemen will suspend their fads and prejudices and devote the next three months to studying the Constitution and the report of Senator NELSON and the letter from Bishop Candler, printed herewith under leave to print, they will return to the next session with much clearer ideas and with a much fairer and better frame of mind for approaching consideration and action upon this question with a view solely to the following two, and the only two, relevant questions: First, what can we do under the Constitution in granting the consent of Congress to permit private owners to develop and use their private property in the shape of dam sites and at the same time promote the navigation of the rivers in which they are to be located? And, second, what is expedient in the way of good governmental policy? Shall we do what we constitutionally can do, and less if necessary, to encourage capital to aid in the development and progress of the country, or shall we continue to blight all hope and prospect of development and prosperity from the source in question by imposing terms so harsh or unconstitutional that certain litigation and uncertain profits will deter all energy and capital from making an effort? Senator NELSON's report follows:

[Report of the subcommittee of the Committee on the Judiciary, United States Senate, on S. Res. 44, directing the Committee on the Judiciary to report to the Senate on the power of the Government over the development and use of water power within the respective States.]

POWER OF THE FEDERAL GOVERNMENT OVER THE DEVELOPMENT AND USE OF WATER POWER.

MR. NELSON, from the subcommittee to which was referred S. Res. 44, submitted the following:

To the Committee on the Judiciary:

Your subcommittee which was directed to report on the following resolution:

Resolved, That the Committee on the Judiciary of the Senate be, and it is hereby, directed to report to the Senate, at as early a date

as possible in the next regular session of Congress, upon the power and authority of the National Government over the development and use of water power within the respective States, and especially:

First. Has the National Government any authority to impose a charge for the use of water power developed on nonnavigable streams, whether State or interstate?

Second. Has it any authority in granting permits to develop water power on a navigable stream to impose and enforce conditions relating to stated payments to the Government, regulation of charges to consumers, and determination of the right to make use of such developed power?

Third. Has it authority in disposing of any of its lands, reserved or unreserved, necessary and suitable for use in connection with the development or use of water power on a nonnavigable stream, whether State or interstate, by lease or otherwise, to limit the time for which such development may continue, or to impose and enforce charges for the use and development of such water power, or to control and regulate the disposition of such water power to its consumers?

have considered the same and report as follows:

The interrogatories embraced in the foregoing resolution involve the rights of riparian owners, the rights of the States, and the rights of the Federal Government in the navigable and nonnavigable streams and watercourses of the country. A solution and understanding of these several rights will tend to answer and solve the question propounded.

NAVIGABLE STREAMS.

The rule of the common law, that only those streams are held navigable in which the tide ebbs and flows, and only so far as such ebb and flow, has not been adopted and does not prevail in this country. With us the question of navigability is one of fact in each case. If a stream can be used for commerce or trade, in any form, to any substantial extent, even for the floating of rafts of logs or lumber, it is held to be a navigable stream. (The *Genessee Chief*, 12 How., 443; the *Daniel Ball*, 10 Wall., 557; the *Montello*, 20 Wall., 430; *Barney v. Keokuk*, 94 U. S., 324; *Water Power Co. v. Water Commissioners*, 168 U. S. 349.)

Most of our streams and watercourses are in fact more or less navigable in some of their reaches, and the nonnavigable portions serve as feeders for, and are so connected with, the navigable sections that it is difficult and scarcely practicable to apply a separate rule for each. This must needs be so where ample regulation of the navigable section can only be secured through regulation of the nonnavigable section. In such cases, for the purposes of interstate commerce, the Federal Government has full regulative power over the entire stream, the nonnavigable as well as the navigable sections.

In *United States v. Rio Grande Irrigation Co.* (174 U. S., 690) the Supreme Court, in passing upon certain statutes relating to the use of water for mining and irrigation purposes, makes this declaration:

To hold that Congress, by these acts, meant to confer upon any State the right to appropriate all the waters of the tributary streams which unite into a navigable watercourse, and so destroy the navigability of that watercourse in derogation of the interests of all the people of the United States, is a construction which can not be tolerated. It ignores the spirit of the legislation and carries the statute to the verge of the letter and far beyond what under the circumstances of the case must be held to have been the intent of Congress (p. 706-707).

TITLE OF THE STATES IN THE BEDS AND WATERS OF NAVIGABLE STREAMS.

The several States of the Union are each primarily the proprietors of, and have the sovereignty over, the beds and waters of the navigable streams and watercourses within their respective borders, subject only to the rights of the Federal Government under the interstate-commerce clause of the Constitution (par. 3, sec. 8, Art. I), and to the rights of the Federal Government as owner of the riparian lands (par. 2, sec. 3, Art. IV), which rights will hereafter be referred to and enlarged upon.

In the case of *Martin v. Waddell* (16 Peters, 367), where the question of tidelands and tidewaters was involved, the Supreme Court of the United States makes this clear and comprehensive declaration:

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

The same doctrine was laid down by the court in the case of *Pollard v. Hagan* (3 How., 212), and it was held to apply to the newer States in as full a measure as to the original States of the Union. In this case the court concludes its opinion as follows:

By the preceding course of reasoning we have arrived at these general conclusions: First. The shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively. Second. The new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. Third. The right of the United States to the public land and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land (tidewater land) in controversy.

In the case of *Barney v. Keokuk* (94 U. S., 324), Justice Bradley declares that the correct principles were laid down in the foregoing cases, and then adds:

These cases related to tidewater, it is true; but they enunciate principles which are equally applicable to all navigable waters.

The rule laid down in the foregoing cases is reaffirmed and amplified with the citation of numerous authorities in the case of *Shively v. Bowlby* (152 U. S., 1).

RIPIARIAN TITLE.

It is the rule of the common law that a grant of land upon the borders of a navigable stream carries the grant only to the high-water line, while a grant of land bordering upon a non-navigable stream carries the title to the center of the stream, subject to the public easement in the water of the stream. While this is the rule of the common law, the Supreme Court of the United States, in the case of *Hardin v. Jordan* (140 U. S., 371), has determined that the limits and extent of the riparian ownership is governed by the law of the State in which the land is situated. Justice Bradley, who delivered the opinion in this case, after discussing the question and citing numerous authorities, concludes as follows:

We do not think it necessary to discuss this point further. In our judgment the grants of the Government for lands bounded on streams and other waters, without any reservation or restriction of terms, are to be construed as to their effect according to the law of the State in which the lands lie (p. 384).

The case of *Shively v. Bowlby*, heretofore cited, approves of and adheres to this rule, and the following cases indorse and adhere to the rule: *Barney v. Keokuk* (94 U. S., 324), *St. Louis v. Myers* (113 U. S., 566), *Packer v. Bird* (137 U. S., 661), *St. Louis v. Rutz* (138 U. S., 226), *Mitchell v. Smale* (140 U. S., 406), *Grand Rapids v. Butler* (159 U. S., 87), *Water Power Co. v. Water Commissioners* (168 U. S., 349), *Kean v. Calumet Canal Co.* (190 U. S., 452), *United States v. Chandler Dunbar Co.* (209 U. S., 447).

The rule of riparian ownership as to grants of land bordering on streams is diverse in the various States. Some States hold that the grant extends only to high-water mark; other States hold that it extends to low-water mark; while another class of States—and perhaps the most numerous—hold that the grant extends to the middle of the stream, subject to the public easement in the water of the stream. But whatever may be the law in this respect as to the effect of the grant, it only relates to the proprietorship in the banks and bed of the stream and not to the ownership of the water in the stream.

In those States which hold that the title of the riparian owner only extends to the high or low water mark the title to the bed of the stream is deemed to be in the State, and whether the title to the bed of the stream is in the riparian owner or in the State, in either case the sovereignty over and the paramount title to the water of the stream is deemed to be in the State, but it holds it not absolutely but in trust for all lawful public uses, and in subrogation to the rights of the Federal Government.

PROPRIETORSHIP AND CONTROL OF THE WATER IN STREAMS.

While the riparian proprietor may be the absolute owner of the bed of the stream, he has no such proprietorship in the water of the stream. The water is a movable thing, and as to that he has only a usufruct. His rights in the water are subject to the sovereignty and control of the State, to the rights of the other riparian owners, and to the public easement or use. Lord Chief Justice Hale in his *De Juris Maris* (Hargrave, p. 6), in the quaint law language of those days, states:

Though fresh rivers are in point of propriety, as before, *prima facie* of a private interest; yet, as well fresh rivers as salt, or such as flow and reflow, may be under these two servitudes, or affected with them—viz, one of the prerogatives belonging to the King, and another public interest, or belonging to the people in general.

Commenting on a case in which the riparian owner claimed the title up to the thread of the stream in the Severn River as against the King, Lord Hale says (Hargrave, p. 36):

But though the subject may thus have the propriety of a navigable river part of a port, yet these cautions are to be added, viz: First, that the King has yet a right of empire or government over it in reference to the safety of the kingdom and to his customs, it being a member of a port, *prout inferius dicitur*; second, that the people have a public interest, a *jus publicum*, of passage and repassage with their goods by water and must not be obstructed by nuisances or impeached by exactions. * * * For the *jus privatum* of the owner or proprietor is charged with and subject to that *jus publicum* which belongs to the King's subjects; as the foil of an highway is, which though in point of property it may be a private man's freehold, yet it is charged with a public interest of the people, which may not be prejudiced or damaged.

Sir J. Leach, vice chancellor, in the case of *Wright v. Howard* (1 Simons & Stuart's Reports, 203), an English case in chancery, decided in 1823, explains the right of a riparian as follows:

The right to the use of the water rests on clear and settled principles. *Prima facie*, the proprietor of each bank of a stream (not tidal) is the proprietor of half the land covered by the stream, but there is no property in the water. Every proprietor has an equal right to use the

water which flows in the stream, and, consequently, no proprietor can have the right to use the water to the prejudice of any other proprietor. Without the consent of the other proprietors, who may be affected by his operations, no proprietor can either diminish the quantity of water, which would otherwise descend to the proprietors below, nor throw the water back upon the proprietors above.

Chancellor Kent, in his Commentaries, states the common-law rule in these words:

Every proprietor of lands on the banks of a river has, naturally, an equal right to the use of the water which flows in the stream adjacent to his lands, as it was wont to run (*currere solebat*), without diminution or alteration. No proprietor has the right to use the water to the prejudice of other proprietors above or below him unless he has a prior right to divert it or a title to some exclusive enjoyment. He has no property in the water itself, but a simple usufruct while it passes along. *Aqua currit et debet currere ut currere solebat* is the language of the law. Though he may use the water while it runs over his land as an incident to the land, he can not unreasonably detain it or give it another direction, and he must return it to its ordinary channel when it leaves his estate. (3 Com., 439.) (*Stein v. Burden*, 29 Ala., 127.)

In the case of *Head v. Amoskeag* (113 U. S., 9), involving the right of the riparian owner to construct and maintain a mill-dam on his own land under a statute of New Hampshire, Justice Gray, who delivered the opinion of the court, declares:

We prefer to rest the decision of this case upon the ground that such a statute, considered as regulating the manner in which the rights of proprietors of lands adjacent to a stream may be asserted and enjoyed, with a due regard to the interests of all, and to the public good, is within the constitutional power of the legislature (p. 21).

He further declares:

The right to the use of running water is *publici juris* and common to all the proprietors of the bed and banks of the stream from its source to its outlet. Each has a right to the reasonable use of the water as it flows past his land, not interfering with a like reasonable use by those above or below him (p. 23).

In the case of the *United States v. Rio Grande Co.* (174 U. S., 690), in considering a nonnavigable reach of the Rio Grande River, in the Territory of New Mexico, Justice Brewer, who delivered the opinion of the court, after quoting the foregoing paragraph from Chancellor Kent, adds:

While this is undoubted, and the rule obtains in those States in the Union which have simply adopted the common law, it is also true that as to every stream within its dominion a State may change this common-law rule and permit the appropriation of the flowing waters for such purposes as it deems wise.

That the sovereignty and control over, and paramount title to, the waters in a stream is in the State is further established by that line of decisions sustaining the rule of public ownership, and "prior appropriation," prevailing in the mining and semi-arid States, and acquiescing in its application to the lands of the United States. (*Jennison v. Kirk*, 98 U. S., 45; *Broder v. Water Co.*, 101 U. S., 274; *Gutiers v. Albuquerque Co.*, 188 U. S., 545; *Boquilla Cattle Co. v. Curtis*, 213 U. S., 339.)

The case of *Kansas v. Colorado* (206 U. S., 46) was a controversy between two States, one recognizing the doctrine of public ownership and prior appropriation and the other the common-law rule. Chief Justice Shaw, in the case of *Elliott v. Fitchburg Railway Co.* (10 Cush., 191), describes the rights of the riparian owner under the common-law rule in the following terms:

The right to flowing water is now well settled to be a right incident to property in the land; it is a right *publici juris*, of such a character that, while it is common and equal to all through whose land it runs, and no one can obstruct or divert it, yet, as one of the beneficial gifts of Providence, each proprietor has a right to a just and reasonable use of it as it passes through his land; and so long as it is not wholly obstructed or diverted, or no larger appropriation of the water running through it is made than a just and reasonable use, it can not be said to be wrongful or injurious to a proprietor lower down. What is such a just and reasonable use may often be a difficult question, depending upon various circumstances. To take a quantity of water from a large running stream for agricultural or manufacturing purposes would cause no sensible or practicable diminution of the benefit to the prejudice of a lower proprietor; whereas, taking the same quantity from a small running brook passing through many farms would be of great and manifest injury to those below, who need it for domestic supply or watering cattle; and therefore it would be an unreasonable use of the water, and an action would lie in the latter case and not in the former. It is therefore to a considerable extent a question of degree; still the rule is the same, that each proprietor has a right to a reasonable use of it, for his own benefit, for domestic use, and for manufacturing and agricultural purposes. * * *

That a portion of the water of a stream may be used for the purpose of irrigating land we think is well established as one of the rights of the proprietors of the soil along or through which it passes. Yet a proprietor can not, under color of that right or for the actual purpose of irrigating his own land, wholly abstract or divert the water course or take such an unreasonable quantity of water or make such unreasonable use of it as to deprive other proprietors of the substantial benefits which they might derive from it if not diverted or used unreasonably. * * *

This rule, that no riparian proprietor can wholly abstract or divert a watercourse, by which it would cease to be a running stream, or use it unreasonably in its passage and thereby deprive a lower proprietor of a quality of his property, deemed in law incidental and beneficial, necessarily flows from the principle that the right to the reasonable and beneficial use of a running stream is common to all the riparian proprietors, and so each is bound to use his common right as not essentially to prevent or interfere with an equally beneficial enjoyment of the common right by all the proprietors. * * *

The right to the use of flowing water is *publici juris* and common to all the riparian proprietors; it is not an absolute and exclusive right to all the water flowing past their land, so that any obstruction would

give a cause of action; but it is a right to the flow and enjoyment of the water, subject to a similar right in all the proprietors to the reasonable enjoyment of the same gift of Providence. It is, therefore, only for an abstraction and deprivation of this common benefit or for an unreasonable and unauthorized use of it that an action will lie.

The assertion of public ownership and of prior appropriation, already referred to, is thus described by Justice Field in the case of *Jennison v. Kirk* (98 U. S., 453). After describing the system of discovery and appropriation and development of mining claims, he adds the following:

But the mines could not be worked without water. Without water the gold would remain forever buried in the earth or rock. To carry water to mining localities when they were not on the bank of a stream or lake became, therefore, an important and necessary business in carrying on mining. Here, also, the first appropriator of water to be conveyed to such locality for mining or other beneficial purposes was recognized as having, to the extent of actual use, the better right. The doctrine of the common law respecting the right of riparian owners was not considered as applicable, or only in a very limited degree, to the conditions of miners in the mountains. The waters of rivers and lakes were, consequently, carried great distances in ditches and flumes, constructed with vast labor and enormous expenditures of money, along the sides of mountains and through canyons and ravines, to supply communities engaged in mining as well as for agriculturists and ordinary consumption. Numerous regulations were adopted, or assumed to exist, from their obvious justness, for the security of these ditches and flumes, and for the protection of rights to water, not only between different appropriators, but between them and the holders of mining claims. These regulations and customs were appealed to in controversies in the State courts, and received their sanction; and properties to the value of many millions rested upon them. For 18 years, from 1848 to 1866, the regulations and customs of miners, as enforced and molded by the courts and sanctioned by the legislation of the State, constituted the law governing property in mines and in water on the public mineral lands.

These water rights, by prior appropriation, as described by Justice Field, were recognized and confirmed by congressional legislation in 1866 and in 1870. Those acts are now sections 2339 and 2340 of the Revised Statutes. Justice Field further adds:

It will thus be seen that the Federal statutes merely gave a formal sanction to the rules already established. Those rules had been built up in reliance on the tacit acquiescence of the United States, the true owner of the lands and waters on which appropriations were made, and these statutes acquiesced therein expressly "a voluntary recognition of a preexisting right rather than the establishment of a new one."

In the case of *Broder v. Natoma Water Co.* (101 U. S., 274) the Supreme Court, in referring to the contention that these statutes established a new right, uses the following language:

We are of the opinion that it is the established doctrine of this court that rights of miners, who had taken possession of mines and worked and developed them, and the rights of persons who had constructed canals and ditches to be used in mining operations and for purposes of agricultural irrigation, in the region where such artificial use of the water was an absolute necessity, are rights which the Government had, by its conduct, recognized and encouraged and was bound to protect before the passage of the act of 1866, and that the section of the act which we have quoted was rather a voluntary recognition of a preexisting right of possession, constituting a valid claim to its continued use, than the establishment of a new one.

While the common-law rule prevails—in some instances with slight modifications—in all of the States, except the so-called semiarid or mining States, there can be no doubt that it is in the power of these common-law States, by virtue of their sovereignty, to modify or change the rule of the common law. In the language of Justice Brewer (in *U. S. v. Rio Grande Co.*, 174 U. S., 702-703):

It is also true that as to every stream within its dominion a State may change this common-law rule and permit the appropriation of the flowing waters for such purposes as it may deem wise.

The same justice, in the case of *Colorado v. Kansas* (206 U. S., 94), describes the power of the State as follows:

It may determine for itself whether the common-law rule in respect to riparian rights or that doctrine which obtains in the arid regions of the West of the appropriation of waters for the purposes of irrigation shall control. Congress can not enforce either rule upon any State. (See also *McGillvra v. Ross*, 215 U. S., 70.)

We append hereto Exhibit A, which names most of the States in which the rule of prior appropriation prevails, and also gives the constitutional and statutory provisions, with some of the decisions of the courts relating to the subject in each of these States.

PROPERTY AND RIGHTS OF THE UNITED STATES.

Except as the owner of riparian lands and except for the purpose of regulating interstate commerce, the United States has no property in or sovereignty over the streams or watercourses within the boundaries of the several States. The sovereignty and ultimate control is in the State, and the proprietorship is either in the State or in the riparian owner, or in both, according to the constitutions and laws of the several States, and the power of the Federal Government over the streams is no greater in the so-called public-land States than in the States east of the Mississippi River. In *Kansas v. Colorado* (206 U. S., 92), already cited, Justice Brewer declares:

As to those lands within the limits of the States, at least of the Western States, the National Government is the most considerable owner and has power to dispose of and make all needful rules and regulations respecting its property. We do not mean that its legislation

can override State laws in respect to the general subject of reclamation. While arid lands are to be found mainly, if not only, in the Western and newer States, yet the powers of the National Government within the limits of those States are the same (no greater and no less) as those within the limits of the original thirteen, and it would be strange if, in the absence of a definite grant of power, the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving by irrigation or otherwise the lands within their borders.

THE RIGHTS OF THE FEDERAL GOVERNMENT AS RIPARIAN OWNER.

Through the treaty of independence and subsequent treaties with Great Britain, through cessions from foreign countries, and some of the original States of the Union, and through discovery and exploration and by virtue of its national sovereignty, the Federal Government became the proprietor of a vast domain of unsettled and undeveloped lands. Chancellor Kent (1 Com., 257) describes the title of the United States to this domain in the following language:

Upon the doctrine of the court in *Johnson v. McIntosh*, 1823 (8 Wheat., 543), and *Fletcher v. Peck*, 1810 (6 Cranch, 142, 143), the United States own the soil as well as the jurisdiction of the immense tracts of unpatented lands included within their territories, and of all the productive funds which those lands may hereafter create. The title is in the United States by the treaty of peace with Great Britain, and by subsequent cessions from France and Spain, and by cessions from the individual States.

By paragraph 2, section 3, Article IV of the Constitution, Congress was given plenary control over this public domain in the following terms:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; * * *

The power thus conferred on Congress is as full and complete as the power, conferred by another paragraph of the Constitution, to regulate foreign and interstate commerce. The power of Congress is paramount and plenary in each case. Justice Brewer, in the case of *The United States v. Rio Grande Co.* (174 U. S., 690, 703), declares:

Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States as the owner of lands bordering on a stream to the continued flow of its waters, so far at least as may be necessary for the beneficial uses of the Government property. Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable watercourses of the country even against any State action.

The rights of the Federal Government as riparian owner is that of a riparian owner at common law. (*Sturr v. Beck*, 133 U. S., 541; *Lux v. Haggins*, 69 Cal., 336.) This right vested in the Federal Government when it acquired its public domain and of this right it is not divested on the admission of a State into the Union, for this right is expressly reserved by the Constitution. The title of the Federal Government to the public lands in the States where the rule of prior appropriation prevails antedates the admission of those States into the Union, and over that title the Constitution reserved plenary power of disposal and regulation to the Federal Government. It is only when the Federal Government has entirely parted with that title and it has passed into other ownership that the power of regulation on the part of the Federal Government becomes extinct. The water on the riparian land of the Federal Government is an appurtenance of the land of which it can not be divested without its consent, no more than of its riparian lands. In the case of *The United States v. Winans* (198 U. S., 371) it was held that the Federal Government had the power to reserve a fishing right for the Yakima Indians in the Columbia River, and that such reservation, though made when the State was a Territory, bound the future State. And in the case of *Winters v. The United States* (207 U. S., 564) it was held that the Federal Government had the right to reserve the water in the Milk River for the benefit of the Indians and officers of the Government on the Fort Belknap Reservation, in Montana, and that this reservation of the water, though made while Montana was a Territory, bound it after it became a State. The court affirms and asserts the doctrine and rule in these terms:

Another contention of appellants is that if it be conceded that there was a reservation of the waters of Milk River by the agreement of 1888, yet the reservation was repealed by the admission of Montana into the Union February 22, 1889 (ch. 180, 25 Stat., 676). "upon an equal footing with the original States." The language of counsel is that "any reservation in the agreement with the Indians, expressed or implied, whereby the waters of Milk River were not to be subject of appropriation by the citizens and inhabitants of said State, was repealed by the act of admission." But to establish the repeal counsel rely substantially upon the same argument that they advance against the intention of the Government to reserve the waters. The power of the Government to reserve the waters and exempt them from appropriation under the State laws is not denied, and could not be. (*The United States v. The Rio Grande Ditch & Irrigation Co.*, 174 U. S., 690, 702; *United States v. Winans*, 198 U. S., 371.)

In the case of *Camfield v. United States* (167 U. S., 518) the court declares:

While we do not undertake to say that Congress has the unlimited power to legislate against nuisances within a State, which it would have within a Territory, we do not think the admission of a Territory as a State deprives it of the power of legislating for the protection of the public lands, though it may thereby involve the exercise of what is ordinarily known as the police power, so long as such power is directed solely to its own protection. A different rule would place the public domain of the United States completely at the mercy of State legislation.

These opinions of the Supreme Court of the United States have been concurred in by some of the courts of those States in which the rule of prior appropriation prevails.

Judge Rudkin of the Supreme Court of the State of Washington (now a Federal district judge) in the case of *Kendall v. Joyce* (48 Wash., 492-493) declares:

It has never been contended that a mere squatter on public land who subsequently sells out or abandons his claim acquires, or can acquire, riparian rights in a stream flowing through the land. Riparian rights are a mere incident to ownership in the soil, and, while they may relate back by fiction of law to the date of the settlement or filing, by virtue of the patent subsequently issued, yet they do not vest until patent issues, for up to that time the patent to the land with all its incidents is vested in the United States, utterly beyond the power or control of State legislatures. And the party thereafter acquiring title from the Government acquires the land with all its incidents.

In the case of *Cruse v. McCauley* (96 Fed. Rep., 369) the United States Circuit Court for Montana, through Judge Knowles, declares:

It must be conceded that the United States, as the proprietor of the land over which the South Fork of McDonald Creek flowed, had a right to the flow of the waters thereof over its land, as an incident thereto. In the eastern part of Montana the United States acquired its title to land by virtue of what is called the "Louisiana purchase." There can not be one rule as to the right to the flow of water over its lands in Montana and another rule as to its lands in Iowa and Missouri. In these last-named States there can be no doubt of the rule that the National Government would be entitled to water which is an incident to its land. As the United States then owns the waters which are an incident to its lands, it can dispose of them separate from its lands if it chooses. Section 2339, Revised Statutes, provides:

"Whenever by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued and the same are recognized and acknowledged by the local customs, laws, and decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same."

The practical construction of this statute has been that as long as land belonged to the United States the waters flowing over the same was subject to appropriation for any of the purposes named, when such appropriation was recognized by the local customs, laws, or decisions of the courts. But if the water was not so appropriated when it flowed over the public domain, it was not subject to appropriation after the land over which it flowed became private property. Patents of the United States to lands contain this clause:

"Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes," etc.

Certainly this means subject to such water rights as existed at the time when the patent took effect. * * *

If a person receives a patent from the United States for land subject only to accrued water rights—that is, existing water rights—and as an incident to or a part of this land there is water flowing over the same or upon the same, he would have all the rights the United States had at that time. I do not think any State law or custom can take away such rights, except for some public purpose.

The Federal Government has the undoubted right to lease its riparian and other lands with all their appurtenances. (*United States v. Gratiot*, 14 Pet., 526.)

Congress has also the undoubted power to create and establish forest reserves on the lands of the United States within any State, and to authorize the Secretary of Agriculture to make proper rules and regulations for the use of the same, and to charge a compensation for the use of any portion of the reservation; and such a statute amounts to a revocation of the implied license to graze the public lands, referred to and sustained in the case of *Buford v. Houtz* (133 U. S., 320). (See *United States v. Grimaud*, 220 U. S., 506; *Light v. United States*, 220 U. S., 523.)

In this connection it may be observed that the right to occupy and use the public lands of the United States for canals and ditches, for the appropriation of water for agricultural and mining purposes, is based upon and conferred by the following acts: July 26, 1866 (R. S., sec. 2339), and July 9, 1870 (R. S., sec. 2340). There is, in addition to these acts, the right-of-way law contained in the act of March 3, 1891. (26 Stat., p. 1101.) It is through these laws and not by virtue of any State authority that the use of the public domain for the appropriation of water is conferred and acquired.

It is further to be noted that the act of June 25, 1910 (36 Stat., 847), confers the following-described power upon the President in these terms:

That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including the District of Alaska, and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress.

In the light of the constitutional provision and of the interpretation placed upon it by the decisions of the Supreme Court

and other courts in respect to this subject, it seems clear that the Federal Government, through Congress, has the power to lease its riparian lands, with the waters appurtenant thereto, situate within the several States, for such a period, on such terms, and for such rent as Congress in its discretion may prescribe, but the lessee would, at most, only acquire the common-law usufruct in the water of the appurtenant stream, as defined by Chancellor Kent and Chief Justice Shaw.

THE POWER OF THE FEDERAL GOVERNMENT UNDER THE INTERSTATE-COMMERCE CLAUSE OF THE CONSTITUTION.

For the purpose of promoting and regulating foreign and interstate commerce Congress is given plenary power over all the navigable waters of the United States, to the end of improving and maintaining their navigability; and this power is not limited to the navigable sections of streams, but extends to the tributaries and feeders of the same, for without the control of these the power over the navigable sections might become wholly impotent. (*United States v. Rio Grande Co.*, 174 U. S., 690.) Neither can any limits be placed upon the methods of improving the navigability of streams nor upon the means by which commerce can be carried on upon the same.

Science has in recent years evoked from the great storehouse of nature the hidden and well-nigh limitless power of electricity and utilized the same in various ways for the promotion of commerce, industry, and the domestic and social well-being of mankind. The bounds of such power and use can not well be defined or foretold. That such power has become and may still much further become one of the great instrumentalities of commerce is evident. While sail, aside from the oar, was the only known motive power on water the limits of navigation was confined to tide water. The discovery of steam extended navigation on our streams far beyond the limits of tide water, and who can tell how much further hydroelectric power generated by a dam in a stream may extend navigation on that or some other stream? The water in a stream may not only be used to float and carry a vessel, a boat, or a barge, but it may also be used to furnish the motive power for the navigation of the same. And a dam erected in a stream carrying interstate commerce can well be utilized for this double purpose; and Congress, having jurisdiction over the improvement and regulation of an interstate navigable stream, has ample power to resort to all reasonable means for the improvement of navigation and the promotion of commerce on such a stream. (*Gibbons v. Ogden*, 9 Wheat., 1.)

If, for the purpose of improving the navigability of a stream carrying interstate commerce, the Federal Government constructs and maintains a dam, with locks and gates, the Government has the undoubted right to establish and maintain, in connection with such dam, an electric-power plant for the purpose of furnishing motive power to operate such locks and gates. And the Federal Government has the right to sell, lease, or rent, for compensation, any surplus power that may arise from and be an incident to such an improvement of navigation. (*Kankauna Water Power Co. v. Green Bay & Mississippi Canal Co.*, 142 U. S., 254.)

This case relates to the construction of a dam for purposes of navigation and the use of the surplus water incident thereto. In 1846 Congress made a grant of land to the State of Wisconsin for the improvement of the navigation of the Fox and Wisconsin Rivers. The State assumed the grant and the work. In the act of assumption it was provided among other things:

Whenever a water power shall be created by reason of any dam erected or other improvements made on any of said rivers, such water power shall belong to the State, subject to the future action of the legislature.

The court, in passing upon the effect of this reservation to the State, declares:

But if, in the erection of a public dam for a recognized public purpose, there is necessarily produced a surplus of water, which may properly be used for manufacturing purposes, there is no sound reason why the State may not retain to itself the power of controlling or disposing of such water as an incident of its right to make such improvement. Indeed, it might become very necessary to retain the disposition of it in its own hands, in order to preserve at all times a sufficient supply for the purposes of navigation. If the riparian owners were allowed to tap the pond at different places and draw off the water for their own use, serious consequences might arise, not only in connection with the public demand for the purposes of navigation, but between the riparian owners themselves as to the proper proportion each was entitled to draw—controversies which could only be avoided by the State reserving to itself the immediate supervision of the entire supply. As there is no need of the surplus running to waste, there was nothing objectionable in permitting the State to let out the use of it to private parties, and thus reimburse itself for the expenses of the improvement.

The court, after further comments and the citation of three Ohio cases, adds:

The true distinction seems to be between cases where the dam is erected for the express or apparent purpose of obtaining a water power to lease to private individuals, or where in building a dam for a public improvement a wholly unnecessary excess of water is created, and cases where the surplus is a mere incident to the public improvement and a

reasonable provision for securing an adequate supply of water at all times for such improvement.

Also, see *Green Bay Co. v. Patten Co.* (172 U. S., 58), relating to the same water power and dam after the Federal Government had taken over the work and improvement.

In general, it may be said that whenever the Federal Government is engaged in improving the navigability of a stream on which there is interstate commerce, if by reason and in consequence of such improvement, and as an incident thereto, surplus power is created, the Federal Government has the right to lease or sell such power on such terms and for such compensation as it may deem just.

Congress, as in the case of Wisconsin, Ohio, and other States, can delegate the work of improving portions of navigable rivers to States, municipalities, private corporations, and individuals, and if in connection with such improvement and as an incident thereto surplus power is created, Congress may authorize those to whom the right of improvement is delegated to lease and secure compensation for such surplus power. In such cases those to whom the power of making the improvement is delegated are the agents for and stand in place of the Federal Government. But unless such work of improvement is primarily made for the purpose of improving the navigation on streams or other waters carrying interstate commerce, the Federal Government could not confer the power to obtain compensation for the use of the water.

Provision has been made in several acts of Congress for the utilization of surplus water power on navigable streams. In a part of the cases the dam or other improvement has been carried on and made directly by the United States; in other cases by private parties. Senate document No. 57, first session Sixty-second Congress (see Exhibit B appended hereto), contains a list of the cases where so-called water-power privileges have been granted. The case of the Black Warrior River in Alabama has been added to the document since it was issued.

ANSWER TO THE INTERROGATORIES PROPOUNDED IN THE RESOLUTION.

Coming now, in the light of the Constitution and of the construction and interpretation put upon it by the courts in the authorities we have cited, to the direct consideration of the interrogatories propounded in the foregoing resolution, and before attempting to directly respond to the same, it must be borne in mind that it is always difficult to give a satisfactory and instructive answer to a hypothetical or abstract question. It is much easier to solve a concrete case.

As to the first interrogatory, the only answer we can make is this: That whether a stream is navigable or nonnavigable, State or interstate, the rights of the Federal Government as riparian owner are practically the same; and barring any power that may rest in the Federal Government under the commerce clause of the Constitution, that Government has manifestly the right to lease, for compensation and on such terms as it sees fit, its riparian lands with the water appurtenant thereto, but the lessee would not acquire a greater right or interest in such water than the usufruct as defined by the common law, and such right or interest would be subject to and charged with any right acquired under the act of July 26, 1866 (R. S., sec. 2339). The Federal Government has no water power aside from the usufruct to lease in such case; and if the utilization of the water in a stream is sought beyond such usufruct and for other purposes, authority therefor must be obtained from the State where the residuary power over the water resides.

Responding to the second interrogatory, we are of the opinion, divorcing the question from riparian rights, that the Federal Government, in authorizing the construction and maintenance of a dam on a navigable stream by States, municipalities, or private parties, for the chief and primary purpose of improving the navigation of the stream, has the same right to prescribe the terms and compensation for the use of the surplus power, created as an incident to the main improvement, as the Government would have in case it had itself built the dam or made the improvement, and that the Government having delegated the power of building such dam to private parties might well confer upon them as compensation for the work thus undertaken the right to do what the Government itself could do in case it had itself constructed the work. In this connection, and as a further response to the interrogatory, it must be noted that the mere grant by the Federal Government of authority to construct a dam in a navigable river, not for purposes of navigation, but really for the creation of a water power, is merely a license or permit, the effect of which is that if the dam is constructed and operated conformable to plans approved by the Government it will not be deemed an obstruction or impediment to navigation. And in such case the Government would be authorized to charge a nominal license fee for inspecting and passing upon the plans and for watching over the work to see that it con-

forms to the plans and is properly maintained; but the regulative power of the Government would not extend to the use of the water for other purposes than navigation and interstate commerce. In such a case it seems to us that the Federal Government has no water power to sell or charge compensation for, for it is only authorized by the Constitution to regulate interstate and foreign commerce, which in this case means navigation.

As to the third interrogatory, it may be remarked that it has in part been responded to in the answer to the first interrogatory. And as a further answer we will add that the Federal Government has under the Constitution plenary power to sell or lease its riparian lands with the water appurtenant thereto, and that if on any such land there is a water-power site, that, as a part of the riparian land, can of course be sold or leased. The Federal Government has no water power distinct or separable from its riparian lands or any water-power site on the same. The only water power the Federal Government owns is the common-law usufruct in the water appurtenant to its riparian lands. In leasing its riparian lands with their appurtenant water, which is all the Government has to lease within the limits of a State, it can no doubt prescribe such terms as it sees fit in respect to rent, duration of lease, and the uses to which the leased premises may be put. It can say in its lease to the lessee: "If you succeed in creating and maintaining a water power on the premises I lease you, you will be required to rent such power on such and such terms. This condition will be in your lease; without it I will not lease you the premises. If you accept a lease with this condition and fail to comply with the condition, your lease will be forfeited." In this connection it must be borne in mind, however, that the leasing of the water-power site as a part of the riparian lands of the Federal Government does not in and of itself confer the right to create a water power. At most, as we have already stated, it merely confers the common-law right of usufruct in the water. If any other or further use of the water in the stream is required, the right to such use must be obtained from State authority, and therefore it is difficult to see how water power can be established in such cases without the cooperation or consent of the State.

Several acts have been passed by Congress relating to obstructions and the construction of dams in navigable rivers. Among these, to which we call your attention, is the act of September 19, 1890 (26 Stat., 426), which contains important provisions for the removal or change in bridges that are found to be an obstruction to navigation by the Secretary of War, and other provisions relating to the construction of wharves, piers, bridges, etc.

The act of July 13, 1892 (27 Stat., 88), relates particularly to the construction of wharves, piers, and bridges over navigable waters, and requires the approval of the Secretary of War for any improvement or bridge. (See sec. 3, p. 110.)

Section 10 of the act of March 3, 1899 (30 Stat., 1121), prohibits the creation of any obstruction to the navigable capacity of any of the waters in the United States not affirmatively authorized by Congress, etc., and prohibits the construction of any breakwater, jetty, or other obstruction in any river or water of the United States except on plans recommended by the Chief of Engineers and authorized by the Secretary of War. Section 9 of the same act prohibits the construction of any bridge, dam, etc., over any navigable river without the consent of Congress and without the approval of plans by the Chief of Engineers and Secretary of War.

The act of June 21, 1906 (34 Stat., 386), relates to the construction of dams by parties other than the Federal Government, and the act of June 23, 1910 (36 Stat., 593), is amendatory of the preceding act, and lays down many important rules and regulations for the construction of dams in navigable rivers, etc.

EXHIBIT A. CALIFORNIA.

California was admitted into the Union in 1850, and the only provision in the act for admission of September 9 (9 Stat., 453) relating to water rights is "that navigable waters are declared common highways and forever free to the inhabitants of the State and citizens of the United States without any tax, impost, or duty therefor."

Section 1 of article 14, constitution, 1879 (p. 443, vol. 1, Am. Chs., Cons., and Oc. L.), provides:

The use of all waters now appropriated or that may hereafter be appropriated for sale, rental, or distribution is hereby declared to be a public use and subject to the regulation and control of this State, in the manner to be prescribed by law.

Section 1410, California Civil Code, provides:

The right to the use of running water flowing in a river or stream, or down a canyon or ravine, may be acquired by appropriation.

Section 1411, California Civil Code, provides:

The appropriation must be for some useful or beneficial purpose, and when the appropriator or his successor in interest ceases to use it for such purpose the right ceases.

Section 1422, which, as originally enacted, provided that "The rights of riparian proprietors are not affected by the provisions of this title," i. e., the title relating to the appropriation of water, was enacted March 21, 1872, with section 1410 and the following sections, but repealed March 15, 1887. (Stats. and Amendments, p. 114.) This repealing act contains the following provision:

The repeal of this section shall not in any way interfere with any rights already vested.

One who bases his right on appropriation of water over land then part of the public domain acquires no right superior to those attaching to riparian lands which at the time of the appropriation were private. (Hargrave v. Cook, 108 Cal., 78.) 1895.

In the case of Hill v. Newman (5 Cal., 446), Justice Bryan in explaining a water right said:

The right to running water is defined to be a corporeal right, or hereditament, which follows or is embraced by the ownership of the soil over which it naturally passes. * * * From the policy of our laws, it has been held in this State to exist without private ownership of the soil—upon the ground of prior location upon the land, or prior appropriation and use of the water.

And in the case of McDonald & Blackburn v. Bear River & Auburn Water & Mining Co. (13 Cal., 232, 233), Justice Baldwin put it in this language:

The ownership of water as a substantive and valuable property, distinct, sometimes, from the land through which it flows, has been recognized by our courts; and this ownership, of course, draws to it all the legal remedies for its invasion. The right accrues from appropriation; this appropriation is the intent to take, accompanied by some open, physical demonstration of the intent and for some valuable use. We have held that there is no difference in respect to this use, or rather purpose, to which the water is to be applied; at least, that an appropriation for the uses of a mill stands on the same footing as an appropriation for the use of mines.

The rule of the common law as to riparian rights in its extreme rigor is not adapted to the conditions existing in this State. It is relaxed to a certain extent, and moreover right to the use of water may be procured by prior appropriation thereof where the absolute title to the soil has not passed from the Government or State. But where the title to the riparian soil is in private parties it seems to be the law that they are under the protection of the common-law rule. The rights in water acquired by a riparian proprietor are attached to the soil and pass with it (Lux v. Haggin, 69 Cal., 255) and may be lost only by grant, condemnation, or prescription. (Hargrave v. Cook, 108 Cal., 77; Bathgate v. Irvine, 126 Cal., 142; Eddy v. Simpson, 3 Cal., 249; Pei v. Santa Rosa, 119 Cal., 392; Gould v. Stafford, 77 Cal., 66; Union M. & M. Co. v. Ferris, 2 Sawy., 176; Union M. & M. Co. v. Dangby, 2 Sawy., 450; Land & Water Co. v. Hancock, 85 Cal., 219.)

Justice Heydenfeldt, in a leading case (5 Cal., 147), said:

The miner who selects a piece of ground to work must take it as he finds it, subject to prior rights, which have an equal equity on account of an equal recognition from the sovereign power. If it is upon a stream the waters of which have not been taken from the bed, they can not be taken to his prejudice; but if they have been already diverted, and for as high and legitimate purpose as the one he seeks to accomplish, he has no right to complain, no right to interfere with the prior occupation of his neighbor, and must abide the disadvantage of his own selection.

Chief Justice Murray, in Hill v. King (8 Cal., 338), speaking on this subject said:

The only test as between parties where the lands belong to the United States or this State is priority of location, and whether a party locates above or below the claim of another his right depends or originates in appropriation alone; he must take subject to the higher right of those who were first in point of time to appropriate. If the parties both claimed as riparian proprietors, then each alike would be entitled to the reasonable use of the water for proper purposes. But in such case the suprapriparian proprietor must so do the same as to do his neighbor the least possible injury.

IDAHO.

The constitution of Idaho, 1889, section 1 of article 15, contains the same provision as section 1 of article 14 of the California constitution, supra (pp. 943, 944, vol. 2, Am. Ch., Con., and O. L.), with the additional provision that the use "of all water originally appropriated for private use, but which after such appropriation has heretofore been or may hereafter be sold, rented, or distributed" is also a public use.

Section 3 provides:

The right to divert and appropriate the unappropriated waters of any natural stream to beneficial use shall never be denied. Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limit as may be prescribed by law) have the preference over those claiming for any other purpose; and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district, those using the water for mining purposes, or milling purposes connected with mining, shall have preference

over those using the same for manufacturing or agricultural purposes. But the usage by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use as referred to in section 14, article 1, of this constitution.

Section 3240, Revised Statutes, puts the control of water within the borders of the State in the State and declares that all waters are the property of the State; section 3242 provides for acquiring the right to the use of water by appropriation, and section 3243 that it must be for a useful and beneficial purpose.

The State engineer is prohibited from granting permits to divert waters of a lake, pond, or pool situated wholly upon lands of a person or corporation except to the owner. (Chap. 230, Sess. Laws, 1911.)

In the case of Drake v. Earhart (2 Idaho, 716) it was held that a prior appropriator of the water of a stream, all of which he claimed, had used, and needed for irrigation, was entitled to the whole as against a patentee of land through which the stream flowed, though no custom to that effect was shown.

Said Chief Justice Beatty (p. 720):

The important question * * * is what, if any, rights the appellant has to any of that water as a riparian proprietor. His claim is not based upon prior or any appropriation under our Territorial laws, but upon the fact that the stream in question flows by its natural channel through his land; hence that he is entitled to the use thereof allowed by the common law. This doctrine of riparian proprietorship in water as against prior appropriation has been very often discussed and nearly always decided the same way by almost every appellate court between Mexico and the British possessions and from the shores of the Pacific to the eastern slope of the Rocky Mountains, as well as by the Supreme Court of the United States. While there are questions growing out of the water laws and rights not fully adjudicated, this phantom of riparian rights, based upon facts like those in this case, has been so often decided adversely, to such claim and in favor of prior appropriation that the maxim "first in time, first in right" should be considered the settled law here. * * * It is the lineal descendant of the law of necessity.

It is evident, therefore, that in the State of Idaho, according to the constitution, statutes, and decisions of the courts, all waters are in full control of the State, subject to appropriation for beneficial uses and the sale, rental, or distribution thereof.

MONTANA.

Section 15, article 3, constitution, 1889, provides (p. 2302, vol. 4, Am. Ch., Con., and O. L.):

The use of all water now appropriated or that may hereafter be appropriated for sale, rental, distribution, or other beneficial use, and the right of way over lands of others for all ditches, drains, flumes, canals, and aqueducts necessarily used in connection therewith, as well as the sites for reservoirs necessary for collecting and storing the same, shall be held to be a public use. * * *

Section 4432, Revised Statutes, 1907 (in part):

The State is the owner of all land below the water of a navigable lake or stream.

Section 4840, Revised Statutes, 1907 (approved Mar. 16, 1901):

The right to the use of any unappropriated water of any natural stream, watercourse, spring, dry coulee, or other natural source of supply, and of any running water flowing in the streams, rivers, canyons, and ravines of this State, may hereafter be acquired by appropriation.

Section 4846, Revised Statutes, 1907, gives the United States, through the Secretary of the Interior, the right to appropriate the waters of streams or lakes within the borders of the State in the same manner as an individual.

In the case of Columbia Mining Co. v. Holter (1 Mont., 300) Chief Justice Warren, in speaking of the doctrine of prior appropriation, used this language:

By appropriation a man acquires only the right of possession and user of water, qualified by the right of others to its use, in such manner as shall not materially diminish or deteriorate it at the place of his appropriation in quantity or quality.

From the above sections it would appear that the right of the United States to the streams and waters therein in this State is no greater than that of an individual—i. e., to acquire a right therein by appropriation.

WASHINGTON.

Section 1, article 17, constitution, 1889 (p. 4001, vol. 7, Am. Ch., Con., and O. L.):

The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: *Provided*, That this section shall not be construed so as to deprive any person from asserting his claim to vested rights in the courts of the State.

Section 2:

The State of Washington disclaims all title in and claim to all tide, swamp, and overflowed lands patented by the United States: *Provided*, The same is not impeached for fraud.

Section 1, article 21:

The use of the waters of the State for irrigation, mining, and manufacturing purposes shall be deemed a public use.

Justice White:

The provision of article 17, section 1, of the constitution was evidently for the purpose of establishing the right of the State to the beds of all navigable waters in the State, whether lakes or rivers, or fresh or salt, to the same extent the Crown had in England in the sea and in the arms and inlets thereof and in the tidal rivers, and to eliminate the distinctions existing under the rule of the common law in this respect.

A lower riparian owner can not be deprived of his right to the usual and undiminished flow of water without the exercise of eminent domain, even where the upper proprietor is a municipal corporation which seeks to divert the waters for necessary public use. It was contended that by section 1, article 17, the State could authorize the diversion of a stream for the use of the inhabitants of a city, it being a public use and a paramount necessity superior to every other use. Justice White said further:

Though this section has the effect, as has been held by this court in *Eisenbach v. Hatfield* (2 Wash., 236) and *Harborland Commissioners v. State* (2 Wash., 530), of vesting in the State the entire and exclusive ownership of the beds and shores of all navigable waters, it should not be construed as affecting the rights of riparian proprietors upon non-navigable watercourses, though their source is in navigable waters. The use of the water in such nonnavigable streams is not inconsistent with the retention of the fee in the bed of navigable waters in the State. The provision of section 16, article 1, of the constitution protects private property from confiscation for public use; and the proviso to article 17, section 1, clearly indicates that so far as rights had become vested, notwithstanding the other provisions of this section, the owner thereof should have the right to assert them in the courts; and, if this language means anything, it is that those rights should be protected and guarded by the courts. (24 Wash., 499, 500, 501, *New Whatcom v. Fairhaven Land Co.*)

Section 6316, Remington & Ballinger's code, 1910:

The right to the use of water in any lake, pond, or flowing spring in this State or the rights of the use of any water flowing in any river, stream, or ravine of this State, for irrigation, mining, or manufacturing purposes, or for supplying cities, towns, or villages with water, or for waterworks, may be acquired by appropriation and as between appropriators the first in time is the first in right.

Section 6325, Remington & Ballinger's code, 1910, gives the right to any person, corporation, or association of persons, and section 6326 the right to riparian proprietors to appropriate surplus and unappropriated waters for purposes of irrigation and mining.

Section 4102 provides for the procuring of right of way across intervening lands for ditches, etc.

"The common-law doctrine of riparian rights in the use of waters of a stream has become a rule of property in this State." (*Nesalious v. Walker*, 45 Wash., 621.)

A prior appropriator of water over public lands can not be defeated of his rights by subsequent homesteaders on the land. (*Thorpe v. Tenem*, 1 Wash., 566.)

NORTH DAKOTA.

Article 17, section 210, constitution, 1889 (p. 2885, vol. 5, Am. Ch., Con., and O. L.):

All flowing streams and natural watercourses shall forever remain the property of the State for mining, irrigating, and manufacturing purposes.

Section 4798, Revised Codes, 1905:

The owner of the lands owns the waters standing thereon, or flowing over or under its surface, but not flowing in a definite stream. Water running in definite stream formed by nature, over or under the surface, may be used by him as long as it remains there; but he may not prevent the natural flow of the stream or of the natural springs from which it commences its definite course, nor pursue or pollute the stream.

Section 7604:

All waters within the limits of the State from all sources of water supply belong to the public, and except as to navigable waters, are subject to appropriation for beneficial use.

Section 7639 gives the United States the right to appropriate waters within the State the same as an individual.

The homestead settlers have superior rights over subsequent miner's claims. (*Sturr v. Beck*, 6 N. Dak., 71; 133 U. S., 541.)

A riparian owner may use reasonable quantity of water for irrigation purposes. An appropriator who acquires subsequent rights can not complain of use made of water by upper riparian proprietor. (*Lone Tree Ditch Co. v. Cyclone Ditch Co.*, 15 S. Dak., 519.)

In the case of *Bigelow v. Draper* (6 N. Dak., 152) Justice Corliss said:

At common law the owner of lands through which a nonnavigable stream flowed was possessed of the title to the bed of the stream as well as of the right to a reasonable use of the water. The land under the water was his; the right to a reasonable use of the stream was as much his property as the land itself. The course of the stream could not be so diverted as to cause it to cease to flow in its accustomed channel upon his property. These doctrines of the common law were in force in the Territory of Dakota at the time of the adoption of the constitution of this State. By virtue of them the riparian owners in the Territory were vested with specified property rights in the bed of all natural watercourses, and in the water itself. Such rights were under the protection of the fourteenth amendment to the Federal Constitution, which protects property against all State actions that does not constitute due process of law. It follows that section 210 of the State constitution would itself be unconstitutional in so far as it attempted to destroy those vested rights of property, if it should by construction be given a scope sufficiently wide to embrace such matters. For this reason we feel constrained to hold, despite its broad lan-

guage, that section 210 was not framed to divest the rights of riparian owners in the waters and beds of all natural watercourses in the State.

SOUTH DAKOTA.

Section 192, Revised Code, 1903:

The ownership of land below ordinary high-water mark and the land below the water of a navigable lake or stream is regulated by the laws of the United States, or by such laws of the State as the legislature may enact.

Section 278, Revised Code:

The owner of the lands owns the waters standing thereon or flowing over or under its surface, but not flowing in a definite stream. Water running in definite stream formed by nature over or under the surface may be used by him as long as it remains there, but he may not prevent the natural flow of the stream or of the natural springs from which it commences its definite course, nor pursue nor pollute the stream.

Section 289, Revised Code:

Except where the grant under which the land is held indicates a different intent, the owner of the upland, when it borders upon a navigable lake or stream, takes to the edge of the lake or stream at low-water mark, and all navigable rivers shall remain and be deemed public highways. In all cases where the opposite banks of any streams not navigable belong to different persons the stream and the bed thereof shall become common to both.

Section 2563, Revised Code:

Any person or persons, corporation or company, who may have or hold a title or possessory right to any mineral or agricultural lands within the limits of this State shall be entitled to the usual enjoyment of the waters of the streams or creeks in said State for mining, milling, agricultural, or domestic purposes: *Provided*, That the right to such use shall not interfere with any prior right or claim to such waters when the law has been complied with in doing the necessary work.

Section 2567, Revised Code:

The waters of the streams or creeks of the State may be made available to the full extent of the capacity thereof for mining, milling, agricultural, or domestic purposes, without regard to deterioration in quality or diminution in quantity, so that the same do not materially affect or impair the rights of the prior appropriator.

Sections 2564 and 2568 give right of way through and over any tract or piece of land for the above purposes and provide for damages for such cutting over lands.

To the contention that the provisions of section 278, Revised Code, were of no effect after the adoption of the prior appropriation doctrine, Justice Corson, in the case of *The Lone Tree Ditch Co. v. Cyclone Ditch Co.* (15 S. Dak., 525), said:

The Government has by these provisions (secs. 2339 and 2340, U. S. Rev. Stats.) recognized the right to appropriate water and taking the same from its natural channel. The legislature of this State has properly provided for the making of such appropriation, but the right of the riparian owners to the use of such waters which have become vested are such as are prescribed by section 2771, Compiled Laws (sec. 278, Rev. Code). In our opinion, therefore, the provisions of section 2771 are still in force, and this seems to have been the opinion of the Supreme Court of the United States in *Sturr v. Beck*.

In that State (California) as in this, two systems prevail: One for acquiring the use of water for irrigation purposes by appropriation, and the other the common-law right to the use of water not so legally appropriated for irrigation purposes, by the riparian owner.

UTAH.

Section 1, article 17, constitution, 1895 (p. 3728, vol. 6, Am. Ch., Con., and O. L.):

All existing rights to the use of any of the waters in this State for any useful or beneficial purpose are hereby recognized and confirmed.

Section 1288x5, Compiled Laws, 1907, provides that right to the use of unappropriated waters may be acquired by appropriation for a beneficial use; section 1288x6, that the application to State engineer must be made before commencing actual appropriation; section 1288x17, date of receipt of application determines priority; section 1288x19, that the water of all streams and other sources is the property of the public subject to the use thereof.

Section 1288x10, as amended March 20, 1911, provides that—

An application for water made by a homesteader, desert entryman, or person in possession of land under contract to purchase the same, such water to be used exclusively upon the land of such person, may be approved without reference to prior conflict.

Section 1288x21 provides for secondary rights in water; for acquiring right of way over adjacent land for ditches, and so on, by eminent domain; and for just compensation to the owner of land injured thereby.

A municipal corporation took possession and control of the waters of a certain stream with the express consent of the original locators and had held the stream more than seven years; held, that it acquired the ownership of the water under the statute of limitations. (*Springville v. Fulmer*, 7 Utah, 450.)

A prior appropriator of water of a certain stream can not so increase his demands and use the water as to deprive a subsequent appropriator of his rights acquired before such increased demands and use.

Justice Cherry, in the case of *Becker v. Marble Creek Irrigation Co.* (15 Utah, 228, 229), said:

The waters of a prior appropriator are fixed by the extent of his appropriation for a beneficial use, and others may subsequently appropriate any water of a stream not so used by a prior appropriator; and such latter appropriation becomes a vested right, and entitled to as much protection as the former, and a right of which he can not be deprived

except by voluntary alienation or forfeiture by abandonment. The rights of the former being thus fixed, he can not enlarge his rights to the detriment of the latter by increasing his demands or by extending his use to other lands, even if used for a beneficial purpose.

As illustrative of the necessity and importance of applying the doctrine of appropriation in this State, hear what Justice Blackburn, in the case of *Stowell v. Johnson* (7 Utah, 225), has to say:

Riparian rights have never been recognized in this Territory, or in any State or Territory where irrigation is necessary; for the appropriation of water for the purpose of irrigation is entirely and unavoidably in conflict with the common-law doctrine of riparian proprietorship. If that had been recognized and applied in this Territory it would still be a desert, for a man owning 10 acres of land on a stream of water capable of irrigating 1,000 acres of land or more, near its mouth, could prevent the settlement of all the land above him.

So it is apparent that in the State of Utah the doctrine of prior appropriation is applied to the use of water in its extreme rigor.

WYOMING.

The following are sections of the Wyoming constitution, 1889, relating to water rights (p. 4117, vol. 7, Am. Ch., Con., and O. L.):

Section 31, article 1. Water being essential to industrial prosperity of limited amount, and easy of diversion from its natural channels, its control must be in the State, which, in providing for its use, shall equally guard all the various interests involved (p. 4119, id.).

Section 32, article 1. Private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and for reservoirs, drains, flumes, or ditches on or across the lands of others for agricultural, mining, milling, domestic, or sanitary purposes, nor in any case without due compensation (p. 4119, id.).

Section 1, article 8. The water of all natural streams, springs, lakes, or other collections of still water, within the boundaries of the State, are hereby declared to be the property of the State (p. 4138, id.).

Section 3, article 8. Priority of appropriation for beneficial uses shall give the better right. No appropriation shall be denied except when such denial is demanded by the public interests (p. 4138, id.).

Section 917, Revised Statutes, 1899, and the following sections give the right to persons, associations, and corporations to appropriate water for beneficial uses by first making application to the State engineer before constructing any ditches or commencing any work for the diverting of the water.

Chapter 68, Session Laws 1909, defines water rights and its preferred uses and declares that the right to the use of water shall attach to the land.

To the contention that the State could not acquire ownership in the waters of the State by mere assertion, Chief Justice Potter, in the case of *Farm Investment Co. v. Carpenter* (61 Pacific, 259), said:

In this State the doctrine prevails that the right to the use of water may be acquired by priority of appropriation for beneficial purposes, in contravention to the common-law rule that every riparian owner is entitled to the continued natural flow of the water of the stream running through or adjacent to his lands. The appropriation consists in a diversion of the water by some adequate means and its application to a beneficial use. (Moyer v. Preston, 6 Wyo., 308.)

At the outset, however, it is strenuously insisted that the declaration contained in the constitution, that the waters of the natural streams, etc., are the property of the State, is meaningless and of no force and effect. It is argued that the State no more than an individual can acquire property by mere assertion of ownership, and that the United States as the primary owner of the soil is also primarily possessed of title to the waters of the stream flowing across the public lands. This contention demands more than a passing notice. So far as any proprietary rights of the United States are concerned, the question would seem to be settled in favor of the effectiveness of the declaration by the act of admission which embraces the following provision, "and that the constitution which the people of Wyoming have formed for themselves, be, and the same is hereby, accepted, ratified, and confirmed." The common-law doctrine of riparian rights relating to the use of water of the natural streams and other natural bodies of water not prevailing, but the opposite thereof, and one inconsistent therewith, having been affirmed, and asserted by customs, laws, and decisions of courts, and the rule adopted permitting acquisition of rights by appropriation, the waters affected thereby become, perforce, publici juris. It is therefore doubtful whether an express constitutional or statutory declaration is required in the first place to render them public. If any consent of the General Government was primarily requisite to the inception of the rule of prior appropriation, that consent is to be found in several enactments by Congress, beginning with the act of July 26, 1866, and including the desert-land act of March 3, 1877.

The act of July 26, 1866 (14 Stat., 253, ch. 262, sec. 9), above referred to, which is now section 2339, United States Revised Statutes, and section 2340, Revised Statutes, reads as follows:

Sec. 2339. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

Sec. 2340. All patents granted, or preemption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section. (July 9, 1870, 17 Stat., 218.)

The desert-land act of March 3, 1877 (19 Stat., 377), which applies to the States of California, Oregon, Nevada, Washington,

Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and the Dakotas, sanctions the prior appropriation of water and provides that:

All surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, subject to existing rights.

NEVADA.

Chapter XVIII, section 1, laws 1907:

All natural water courses and natural lakes, and the waters thereof, which are not held in private ownership, belong to the State and are subject to appropriation for beneficial uses.

Section 355, Compiled Laws, 1900:

All existing rights to the use of water, whether acquired by appropriation or otherwise, shall be respected and preserved and nothing in this act shall be construed as enlarging, abridging, or restricting such rights.

Section 356, Compiled Laws, 1900, provides that no right except usufructuary right can be acquired, i. e., for beneficial purpose, and there shall be no absolute property in waters of lakes or streams.

In the case of *Walsh v. Wallace* (26 Nev., 327), it was held that the act of 1866 did not introduce any new system or policy, but merely confirmed to the owners of water rights on public lands the same rights which they held under the local customs. Chief Justice Massey said further:

And it has been held by this court that the doctrine of riparian rights is so unsuited to the conditions existing in this State of Nevada and is so repugnant in its operation to the doctrine of appropriation that it is not a part of the law and does not prevail here.

NEBRASKA.

The common-law rules as to rights and duties of riparian owners are in force in every part of the State of Nebraska, except as altered or modified by statute. (*Meng v. Coffey*, 67 Nebr., 500; *Crawford v. Hathaway*, 67 Nebr., 325.)

Section 6821, Cobby's Annotated Statutes, 1911:

The water of every natural stream not heretofore appropriated within the State of Nebraska is hereby declared to be the property of the public and is dedicated to the use of the people of the State, subject to appropriation, as hereinbefore provided.

Section 6844, Cobby's Annotated Statutes, 1911:

Water for the purpose of irrigation in the State of Nebraska is hereby declared to be a natural want.

Section 6822, Cobby's Annotated Statutes, provides that water in the streams within the State may be appropriated for beneficial uses, priority of appropriation to have the better right; also, that domestic purposes are preferred over any other purpose and agricultural purposes over manufacturing purposes.

Riparian owners on navigable rivers hold to the thread of the stream subject to the public easement of navigation. A riparian right is not an easement, but a part and parcel of the land itself; it is a property right, and as such is entitled to protection the same as private property. (*Kinkhead v. Turgeon*, 74 Nebr., 580; *Cline v. Stock*, 71 Nebr., 70.)

In the case of *Crawford v. Hathaway* (67 Nebr., 325) the court held that the right of a riparian proprietor as such to use water for irrigation purposes is limited to riparian lands. Even though he does not use the water on riparian lands, that does not permit him to divert the water to nonriparian lands.

COLORADO.

Section 5, article 16, constitution, 1876 (p. 507, vol. 1, Am. Ch., Con., and O. L.):

The water of every natural stream not heretofore appropriated within the State of Colorado is hereby declared to be the property of the public; and the same is dedicated to the use of the people of the State, subject to appropriation as hereafter provided.

Section 6, article 16, constitution, provides that priority of appropriation gives the better right as between those using for the same purpose, and the right to divert unappropriated streams shall never be denied. (When there is not sufficient water, domestic purposes have preference over any other purpose and agricultural over manufacturing purposes.)

Section 7, article 16, constitution, provides for the acquiring of right of way over public, private, and corporate lands for ditches, canals, and flumes for domestic purposes, irrigation, mining, manufacturing, and drainage, upon the payment of just compensation.

Section 2256 et seq. (ch. 69), Mills's Annotated Statutes, 1891, relates to the appropriation and use of water.

The common-law doctrine is also inapplicable to the State of Colorado. Said Chief Justice Hoyt, in the case of *Fort Morgan Land & Canal Co. v. South Platte Ditch Co.* (18 Colo., 1):

Under our constitution the water of every natural stream in this State is deemed to be the property of the public. Private ownership of water in the natural stream is not recognized. The right to divert water therefrom and apply the same to beneficial uses is, however, expressly guaranteed. By such diversion and use a priority of right to the use of the water may be acquired.

And Justice Helm, discussing the doctrine of prior appropriation in the case of *Wheeler v. Irrigation Co.* (10 Colo., 582), says:

Our constitution dedicates all unappropriated waters in the natural streams of the State to the use of the people, the ownership thereof being vested in the public. We shall presently see that after appropriation the title to this water, save, perhaps, as to the limited quantity that may be actually flowing in the consumer's ditch or lateral, remains in the general public, while the paramount right to its use, unless forfeited, continues in the appropriator.

See also the following cases: *Strickler v. Colorado Springs* (16 Colo., 67); *Coffin v. Left Hand Ditch Co.* (6 Colo., 446, 447); *Yankee v. Nichols* (1 Colo., 551).

OKLAHOMA.

Section 3915 of the Compiled Laws of 1909 declares the rivers and streams of the State to be the property of the public, and that use of the water in the streams may be acquired by appropriation.

Section 3918, Compiled Laws, provides for the procuring of right of way over private and public lands for irrigation, etc., by condemnation.

Section 3920, Statutes 1909:

The appropriation of water must be either for irrigation, mining, milling, construction of water works for cities and towns, or stock raising.

Section 23, article 2, constitution, 1907 (p. 4275, vol. 7, Am. Ch., Con., and O. L.):

No private property shall be taken or damaged for private use with or without compensation unless by the consent of the owner, except for private ways of necessity or for drains and ditches across lands of others for agricultural, mining, or sanitary purposes, in such manner as may be prescribed by law.

In regard to appropriation of waters for beneficial uses, Chief Justice Burford, in *Gates v. Settlers' Milling, Canal & Reservoir Co.* (91 Pac., 858), said:

It seems the settled law in States where irrigation problems have been dealt with that, in order to acquire a vested right in the use of water for such purposes from the public streams, three things must concur: There must be the construction of ditches or channels for carrying water; the water must be diverted into the artificial channels and carried through them to the place to be used; and it must actually be applied to beneficial uses, and he has the best right who is first in time.

OREGON.

The act for admission of Oregon, February 14, 1859 (11 Stat., 383), section 2, declares:

And said rivers and waters, and all the navigable waters of said State, shall be common highways and forever free, as well to the inhabitants of said State as to all other citizens of the United States, without any tax, duty, impost, or toll therefor.

Section 6525, Lord's Oregon Laws, 1910:

The use of the water of the lakes and running streams of the State of Oregon for general rental, sale, or distribution for purposes of irrigation, and supplying water for household and domestic consumption, and watering live stock upon dry lands of the State, is a public use, and the right to collect rates or compensation for such use of said water is a franchise. A use shall be deemed general within the purview of this act when the water appropriated shall be supplied to all persons whose lands lie adjacent to or within reach of the line of the ditch or canal or flume in which said water is conveyed, without discrimination other than priority of contract upon payment of charges therefor, as long as there may be water to supply.

Section 6526, Lord's Oregon Laws, 1910, gives to corporations the right to appropriate and to divert water from its natural bed or channel, to condemn land for the purpose of right of ways for ditches, and to condemn the rights of riparian proprietors upon the lake or stream from which such appropriation is made.

Section 6551, Lord's Oregon Laws, 1910:

The use of the water of the lakes and running streams of the State of Oregon for the purpose of developing the mineral resources of the State, and to furnish electrical power for all purposes, is declared to be a public and beneficial use and a public necessity, and the right to divert any unappropriated waters of any such lakes or streams for such public and beneficial use is hereby granted.

Section 6575, Lord's Oregon Laws, 1910:

All water within the State from all sources of water supply belong to the State.

Sections 6594 and 6595 provide that all waters within the State may be appropriated for beneficial use, and preserves the vested rights of riparian proprietors who have made actual application of water for a beneficial use provided such use has not been abandoned for a continuous period of two years. (Enacted 1909.)

In this State it has been held that a riparian owner holds to high-water mark on navigable streams and to the middle of nonnavigable streams.

Each riparian owner is entitled to a reasonable use of the water for domestic purposes and also, in addition thereto, a reasonable use for irrigation, even though such use may diminish the flow to lower riparian owners. (*Shaw v. Oswego*, 10 Oreg., 371; *Jones v. Conn*, 39 Oreg., 30.)

In the case of *Kahler v. Campbell* (13 Oreg., 596) it was held that where two settlers on Government land severally divert a stream at a point above them, and subsequently one of them acquires title to the land at that point, prior appropriation and not common-law riparian rights govern.

A settler upon a nonnavigable stream may elect to rely upon his riparian rights or make an appropriation; but he can not do both. (*Williams v. Altnow*, 51 Oreg., 275.)

EXHIBIT B.

[Senate Document No. 57, Sixty-second Congress, first session.]

Memorandum of acts of Congress concerning power privileges at Government dams.

Names of rivers.	Grantee.	Date of act.	Provisions of act.	By whom improvement made.
Muskingum, Ohio.....	General authorization.....	Aug. 11, 1888 (25 Stat., 417)..	The Secretary of War authorized and empowered to grant leases or licenses for the use of the water powers, at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient.	United States.
Green and Barren, Ky.....	.....do.....	Sept. 19, 1890 (26 Stat., 447)..	The Secretary of War authorized and empowered to grant leases or licenses for the use of the water powers, at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient, with added condition that leases are not to extend beyond the period of 20 years.	Do.
Cumberland, Tenn., at Lock No. 1.	.....do.....	June 13, 1902 (32 Stat., 408)..	The Secretary of War authorized to grant leases of licenses for the use of the water power at such rate and on such conditions and for such periods of time as may seem to him expedient. (See also act of June 28, 1902.)	Do.
Tennessee at Hales Bar.....	City of Chattanooga or other private corporation.	Apr. 26, 1904 (33 Stat., 309)..	Grantee to purchase necessary lands and deed same to United States to construct lock and dam and give them to United States completed, free of all cost except expenses connected with preparation of plans, superintendence, cost of lock gates, etc., and to furnish United States free electric current for operating locks and for lighting. Grantee to have use of water power for 99 years.	Private.
Mississippi at Des Moines Rapids.	Keokuk & Hamilton Water Power Co.	Feb. 9, 1905 (33 Stat., 712)...	Grantee to build a lock and dry dock and appurtenant works, and United States to have ownership of them. Grantee to provide suitable power plant for lighting and operating the lock, dry dock, and appurtenances, and to provide fishways.	Do.
Cumberland and tributaries..	Cumberland River Improvement Co.	Mar. 3, 1905 (33 Stat., 1132)...	Right to collect tolls to cease at expiration of 40 years from date of completion of Lock and Dam No. 21, Cumberland River, and United States may then assume the possession, care, operation, maintenance, and management of the lock or locks constructed by the corporation, but without in any way impairing the right or ownership of the water power and dams created by the corporation.	Do.
Coosa, Ala., at Lock No. 2....	General authorization.....	May 9, 1906 (34 Stat., 183)...	United States reserves right to control dams and pool level and to construct locks. Land for lock and approaches to be conveyed to United States free of charge, and United States to have free water power for building and operating locks. Fishways to be constructed.	Do.
White, Ark., at Lock No. 1....	Batesville Power Co.....	June 28, 1906 (34 Stat., 536)...	The Secretary of War authorized and directed to fix from time to time reasonable charges to be paid for use of power.	Do.

EXHIBIT B—Continued.
Memorandum of acts of Congress concerning power privileges at Government dams—Continued.

Names of rivers.	Grantee.	Date of act.	Provisions of act.	By whom improvement made.
Coosa, Ala., at Lock No. 12....	Alabama Power Co.....	Mar. 4, 1907 (34 Stat., 1288)...	Dam to be built so that the United States may construct a lock in connection therewith. The grantee to have the right to use Government land necessary for the construction and maintenance of the dam and appurtenant works, to convey to the United States free of cost such suitable tract or tracts as may be selected by the Chief of Engineers and the Secretary of War for establishment of locks and approaches, and to furnish the necessary electric current to operate locks and for lighting grounds.	United States.
St. Marys, Mich.....	General authorization.....	Mar. 3, 1909 (35 Stat., 821)...	Water power to be leased by the Secretary of War upon such terms and conditions as shall be best calculated, in his judgment, to insure the development thereof. A just and reasonable compensation to be paid for use.	Do.
Wabash, Ind., at Mount Carmel.....	.....do.....	Mar. 3, 1909 (35 Stat., 819)....	Secretary of War authorized to grant leases or licenses for periods not exceeding 20 years at such rate and on such conditions as may seem to him just, equitable, and expedient.	Do.
Mississippi from St. Paul to Minneapolis.....	.....do.....	June 25, 1910 (36 Stat., 659)....	A reasonable compensation for leases of water power shall be secured to the United States.	Do.
Coosa, Ala., at Lock No. 4.....	Ragland Water Power Co....	Feb. 27, 1911 (36 Stat., 939)....	The dam to be property of the United States free of charge. Grantee to have water-power rights for 50 years. United States to have right to construct a lock and to have free electric current for operating and lighting. Grantee to raise height of dam at Lock No. 4 and to stop leaks. Beginning in 1925, grantee shall pay to United States \$1 per 10-hour horsepower, with an increase if natural flowage is increased by storage reservoirs.	Private.
Wabash at Mount Carmel, Ill.....	Mount Carmel Development Co.	Feb. 14, 1889 (25 Stat., 670)....	Withdrawal of water shall be under the direction and control of the Secretary of War.	United States.
Rock near Sterling.....	Sterling Hydraulic Co.....	Feb. 12, 1901 (31 Stat., 785).... Mar. 2, 1907 (34 Stat., 1103)....	Secretary of War authorized to permit erection of a power station in connection with United States dam. Grantee to waive certain claims against United States.	Do.
White, Ark., above Lock No. 3.....	J. A. Omberg, jr.....	June 29, 1906 (34 Stat., 628)....	Grantee to purchase lands, construct lock and dam, and give them to the United States free of charge and furnish United States electric current to operate locks, light grounds, etc. Grantee to have use of water power for 99 years.	Private.
Black Warrior, Ala., Lock and Dam No. 17.....	General authorization.....	Aug. 22, 1911 (p. 32, laws, 1st sess. 62d Cong.).	Secretary of War authorized to change detailed plans and specifications so as to increase height of pool level over the dam crest of Lock No. 17, and for the development of water power.	United States.

LIQUEFYING THE CONSTITUTION.

(By Bishop W. A. Candler.)

The historian Grote speaks of the fact that a nation may acquire the habit of "constitutional immorality," and notes such a habit as a mark of national decadence.

Nothing more surely indicates decay in the moral character of a nation than a disposition to break away from the restraints of its constitution. This must be apparent when we consider what is the nature and office of a constitution.

Constitutional government is not, as some vainly talk, a government by the majority; but it is a government by the majority under the restraints and limitations of the constitution. There are things which a majority can not do under constitutional government. A constitution is, therefore, the protection of the minority against the passion and oppression of the majority. Under a republican form of government, in which the people are sovereign, the constitutional restraints put over majorities are like those limitations of law put upon kings under constitutional monarchies. The humblest and obscurest citizen of Great Britain is protected against the oppression of the King by constitutional principles which no British monarch has dared to infract since Charles I lost his head for such infractions. In like manner the poorest and weakest man in the United States is defended against the oppression of the majority by constitutional principles which all the civil officers of the land, from President to constable, are sworn to support. In the absence of such restraints no man's liberty in our country would be secure. It behooves every man, therefore, to insist upon absolute respect and submission to the fundamental law of the Republic and the States.

Constitutions are the embodiment of great fixed principles of right, not subject to sudden changes, as the fickle feelings or transient interests of the majority may dictate. Statutes may vary with varying conditions, but the principles established in a constitution are not subject to such mutations. In the main, constitutional limitations are the expression of essential and eternal rules of right and wrong; they are ethical in their character. When, therefore, men or nations grow impatient of constitutional principles they show thereby a disposition toward immorality and manifest a desire to dethrone righteousness and set up their own willfulness in the place of moral law. Once they set out on such a course, neither they nor anyone else can say where they will stop; their destination becomes as uncertain as capricious desire and lawless expediency can make it. All political conduct under such conditions becomes a mere matter of power, without regard to principle. Dema-

gogues flourish at such times, flattering the majority with high-sounding eulogies of "the people" in order to accomplish their own ambitious designs and selfish ends. All the distinctions of right and wrong become dim and wavering in the minds of the people; conscience grows feeble and virtue withers. Minorities are oppressed, and the individual becomes the sport of popular waves of superheated sentiment. Even demagogues cease to be secure, for one follows another in quick succession as the fitful purposes of a fickle populace change from one sensation to another, just as in the French Revolution men who were the idols of the people on one day were guillotined the next amid cries of popular execration.

It is to be feared that our country is in a danger of this sort. The light and sportive manner in which some among us assume to deal with our constitutional limitations is positively alarming. In a public address widely circulated some years ago Theodore Roosevelt, while President of the United States and sworn to support the Constitution, said, "We need through executive action, through legislative action, and through judicial interpretation and construction of law to increase the power of the Federal Government." Such an utterance fairly construed was nothing less than an exhortation to the officials in every branch of the Government to violate furtively the Constitution which they were sworn to observe faithfully. It was an incitement to commit a crime akin to treason. Since then he has not ceased to take appeals against the Constitution. He is fond of reenacting the Ten Commandments in season and out of season, emphasizing always, "Thou shalt not steal"; but in the words quoted he deliberately counseled that the rights of the States should be systematically stolen and given to the Federal Government. Evidently this energetic talker does not conceive that the commandment against stealing is of universal application; when it serves his ends he invokes it, and when it is in his way he sets it aside without so much as making reference to it.

Now, the worst form of secession is the nullification of the Constitution; for the Union without the Constitution is not the Federal Union, under which the Nation has prospered and grown great, but it is an organized tyranny of an unscrupulous majority trampling under foot the sacred rights of minorities. This proposal to filch the powers of the States to centralize the Federal Government is a revolutionary proposition as truly as if it were a call to arms to overthrow the Government. Orozco and Zapata, in Mexico, make a more open show of revolution, but they are not engaged in a more real or dangerous uprising against constitutional government.

If the Federal Government needs more power to fulfill its proper functions, there is a regular and legitimate way for amending the Constitution; but it does not appertain to the executive, legislative, or judicial departments, or to all of them combined, to steal slyly the reserved rights of the State or the people to confer such power on the Government at Washington.

But does the Federal Government need more power than it now has under the Constitution? Scarcely. It is said that there has been accomplished a perilous concentration of wealth in the hands of a few people in our country during the last 25 years. Suppose we should centralize the Government and that eventually concentrated wealth should get hold of the centralized Federal power. What then would become of the rights of the people? What powerful men would do then would be simply what might be desired by them while wielding this stupendous combination of financial and political power. The limit of their evil deeds would be the boundary of their eager desires. Of course they would prate about "the dear people" while destroying our political institutions and enslaving the Nation. Did any tyrant or set of tyrants ever fail to profess vehemently their devotion to popular rights and interests? The worst of the Cæsars did that.

Men wielding concentrated wealth and centralized political power would use millions to corrupt the electorate. Such expenditures they would regard as productive investments. They would lay hands on the processes of both the production and distribution of wealth so as to win the votes of the ever numerous classes of the indolent and thriftless, and they would claim benevolence as the motive of the schemes by which they skillfully purchased the favor of the proletariat. Such cant phrases as "social justice," "a square deal for every man," "civic righteousness," and the like would become the shibboleths of the political Pharisees while they fattened by devouring the Nation and flourished by persistent pretenses of righteousness affected for the uses of the market place only. Men who lead revolutions, whether openly or furtively, always promise material good to the multitude. Socialistic schemes are the baits by which nations have always been lured to the subversion of their institutions and beguiled to their own enslavement.

Equally with proposals to violate the Constitution surreptitiously by executive, legislative, and judicial usurpation of power is the proposition to make its amendment easy. A constitution being the embodiment of fixed principles, little subject to change in any particular and in most particulars as unchangeable as eternal right, ought not to be susceptible of too easy amendment. A process of easy amendment reduces a constitution to the level of an ordinary statute. Such ought not to be the case. When a people frame a constitution it is agreed by them that there are some things so settled that they may not be readily changed, and they thus covenant, all with each and each with all, that these fixed principles shall be held inviolable. It amounts to infidelity to sacred pledges when such an instrument is set aside hastily and carelessly.

At what point is our National Constitution hindering any real or worthy progress? Why should it become the object of attack? Is socialism so desirable and settled government so evil that we should be asked to overthrow the structure of our Federal system in order to make way for the visionary schemes of passionate reformers or to gratify the aspirations of inordinate ambition? Let us be sure that when we break settled principles of government and fundamental morals we are not progressives advancing toward a blessed industrial millennium, but prodigals squandering a great inheritance, and that we will soon find ourselves in dire destitution amid a famine in a region of life far from any real good.

A conspicuous man, professing to be an authoritative exponent of a certain picturesque movement, issued from Chicago a few days ago a statement in which he said that our Government was too solid and that it was proposed to "liquefy" the Constitution. That word is exact, even though it express a shameless purpose. It is fortunate that the secret is out and that we know what is proposed. "Liquefy the Constitution!" Make that fluid and fickle which in its very nature ought to be fixed and stable! "Liquefy the Constitution" or make a flood by cutting the dikes which protect good government against perilous waves, and then let us go to sea! And that is called progress! It is revolution.

While publicists debate matters of mere policy the rest of us may sit quietly down to hear without serious alarm the discussion, but when it is openly proposed to revolutionize our system of government patriotic men who fear God and love men can not view the proposal with indifference.

Mr. HEFLIN. Mr. Speaker, I will ask the gentleman from Illinois [Mr. FOSTER] to consume some of his time.

Mr. FOSTER. Mr. Speaker, I yield 15 minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I have an amendment to this bill which I will send to the Clerk's desk to have read. I wish to state to the membership of the House that the amendment which I propose to offer is, in fact, House bill 26341, and any gentleman who is interested in it can procure a copy at the desk. This bill was prepared as an amendment, not as an original bill, to be offered to the omnibus dam bill, which was pending a few days ago. I had it printed in the form of a bill, so that the membership of the House might secure copies in the event they desired them.

Mr. Speaker, the gentleman from Alabama [Mr. HEFLIN] and the gentleman from Georgia [Mr. ADAMSON] have both occupied very few minutes in the presentation of the merits of this case, but in the few minutes which they did consume I submit to the House that each gentleman gave what should be a convincing reason why this bill should not be passed.

A few days ago the gentleman from Alabama [Mr. HEFLIN] most vigorously called upon the House to consider his bill, and alleged as an impelling reason therefor that it was in his congressional district; that all the delegation from Alabama favored it in the House; that both Senators from Alabama favored it in the Senate; that the rest of the country had no right to interfere with an enterprise that was satisfactory to their part of the country.

If that were a good reason, Mr. Speaker, if the House should adopt that as the course by which to shape its action in such matters, it means, in the last analysis, that we can never have a general law to regulate water powers in this country, for the good and sufficient reason that there is not a water power anywhere that is not in somebody's congressional district. And whatever bill any committee might report as a general proposition regulating the water powers in this country, in order to meet the objection urged by the gentleman from Alabama and the delegation from Alabama it would be compelled to state in the report accompanying the bill that the water site proposed to be regulated was not situated on the face of the earth. [Laughter.]

The gentleman from Alabama a few minutes ago stated that he urged as a reason for the adoption of this bill that a water-power site has already been granted at Lock 12, unhampered by conditions, and therefore it is unfair to put restrictions on the lock to be constructed at No. 18. If that argument is sound, every other gentleman who comes to this House in the times to come will urge exactly the same reason—that you have already granted authority at Lock 12 and Lock 18 in the Coosa River, and therefore you should not put any restrictions on the dam that is to be constructed in his congressional district.

Mr. Speaker, that reason of itself is sufficient to make the House halt to-day and wait until we are fully advised in this matter under consideration and can thrash out a general policy that will be applicable to Lock No. 18 and every other lock and dam hereafter to be constructed in the United States.

The gentleman from Georgia insists that no amendment be put on this bill. Why? What reason does he assign? The reason he gives is the very strongest reason why the bill should be amended. He says that his committee now has under consideration a bill regulating all the water powers in the country, and therefore, strange to relate, this particular water site must be exempt from the provisions of the law which he proposes to apply to all other water sites that may hereafter be authorized by Congress. I submit that, for the reason assigned by the gentleman from Alabama and the reason assigned by the gentleman from Georgia, this bill should either be amended or be defeated.

Mr. Speaker, I am embarrassed by being called upon before the merits of this bill have been presented to the House. I do not know what the intention of the gentleman is, whether it is to make those opposed to it speak first and then occupy all the time in opposition; but if that be true, it is not a fair disposition of the time for and against the bill. The amendment which I offer, as I understand, has only one provision in it that is seriously opposed.

Mr. AUSTIN. May I ask the gentleman a question about his amendment?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. AUSTIN. Under section 3—

Mr. HUMPHREYS of Mississippi. No; I ask the gentleman to wait until I get to section 3. If I understand the particular objections to the amendment, and it has been submitted to these gentlemen, it is that the Federal Government is authorized under this amendment to collect tolls; that that is the vital objection to the amendment.

Mr. UNDERWOOD. I will say to the gentleman that the principal objection I have to his amendment—there may be some smaller objections—is that I deny the right of the Federal Government to tax the people of the State for the use of water running in a stream in their State. If the Government itself

builds a dam, I admit the right, if it has created power by building that dam, to charge what it pleases for that; but if the Government itself does not build the dam I contend that the only power it has is to regulate the place where the dam shall be built and how it shall be built, so that it shall not interfere with navigation.

Mr. HUMPHREYS of Mississippi. I understood that to be the gentleman's position. But not more than a year ago the distinguished gentleman from Alabama [Mr. UNDERWOOD] and myself and others stood upon this floor and fought and contended for the passage of the Black Warrior dam bill, in which there was a provision that the dam should be built by private enterprise and not by the Government.

Mr. UNDERWOOD. I beg the gentleman's pardon right there.

Mr. HUMPHREYS of Mississippi. Yes. It was to be raised to 63 feet and built in lieu of the dams above there.

Mr. UNDERWOOD. But the gentleman is wrong about that.

Mr. HUMPHREYS of Mississippi. I have the bill here.

Mr. UNDERWOOD. I know, but the Government was to build the dam. I had no objection, when the Government built the dam, to their charging for the use of the power they created.

Mr. HUMPHREYS of Mississippi. These gentlemen were to contribute the money themselves to raise this dam to 63 feet, and there was a provision in the bill that they should pay to the Federal Government \$1 per horsepower, and that rate was to be readjusted at 10-year intervals. From that bill—

Mr. UNDERWOOD. The gentleman is not advised as to his facts.

Mr. HUMPHREYS of Mississippi. And from that bill is copied the provision in the amendment which I offer. The first provision is that before these parties may be permitted to construct the dam they must get a written permit therefor from the Secretary of War, which shall contain the stipulations contained in this amendment, which shall be specifically agreed to by the grantee and subscribed by him. The second provision is that the grantee shall pay to the United States annually not less than \$1 per horsepower developed, and that thereafter that annual rate shall be readjusted at 10-year periods; provided, that if there is any disagreement the Secretary of War shall fix the charge. He is authorized to do that under the general bridge act, and the language of that act is copied here. It is provided further that the charge shall not be unreasonable or confiscatory.

There can be no difference, so far as the question of Federal power is concerned, whether the Government build the dam or permit the grantee to build it. No corporation can go into the Coosa River and build a dam without first obtaining the permission of Congress. Everybody concedes that. Then I submit that Congress has the power to give its permission on such conditions as we may deem proper. Under the general dam act as it is on the statute books to-day numerous conditions are imposed upon all persons who ask permission to build dams in navigable rivers—among others, that the grantee must maintain fishways so that fish may go up and down the river; the grantee is required to furnish electrical power to operate the locks free of cost, light the Government grounds adjacent to the dam, and so forth. This is where the dam is built wholly by the grantee.

The Government has the right to build the dam—nobody else has. The grantee thereupon asks to be subrogated to this right, and Congress agrees upon such terms and conditions as seem good for the public interests.

Section 3 of the amendment provides for the payment annually of an amount equal to \$1 per horsepower developed.

Mr. AUSTIN. I want to call the gentleman's attention to the fact that the Forestry Bureau has already entered into contracts with private parties for the use of water power on Government reservations where the Government is the sole owner of the lands on both sides of the river.

Mr. HUMPHREYS of Mississippi. The gentleman will secure me the time that he is taking up now. I have only 15 minutes.

Mr. AUSTIN. I will give the gentleman time. The rate per horsepower is fixed at 10 cents for the first year, and gradually increased up to the end of 10 years, and at the end of 10 years the rate is to be \$1 per horsepower. Here in this amendment you are fixing to charge these people \$1 per horsepower, where the Government does not own a foot of the land.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. AUSTIN. Before they have sold their power under this amendment they can be charged \$1 per horsepower from the very beginning of operations.

Mr. HUMPHREYS of Mississippi. In my opinion the amount to be charged is immaterial. So long as the hand of the Federal Government is there it matters not to me whether the

amount is 10 cents or 10 dimes. In Canada, where the Government built the canals, and permits the municipalities to take the water, they charge \$2 per horsepower; but that is immaterial. The fact is, as reported by the National Waterways Commission, that hydroelectric power, developed as it is in this country, can be produced at \$20 per horsepower per annum less than power can be produced by steam, and that being true, it has occurred to me that one-twentieth of that amount would be a very small charge.

Mr. AUSTIN. Will not the consumer have to pay that dollar?

Mr. HUMPHREYS of Mississippi. In my opinion, the consumer will not. The gentlemen who appeared in the interest of the Niagara Falls development project claimed that they could develop power there for \$20 which it costs \$40 to develop by steam. They were going to sell for \$20 to the manufacturing establishments power that then cost them \$40, and those who desired to purchase that cheaper power appeared before the committee also. I asked every one of them whether this cheaper power would be reflected in the price of their finished product, and every one very frankly confessed it would not. So that when you save to this company the dollar a horsepower or the 50 cents a horsepower, you save it to the company and not to the consumers.

Mr. AUSTIN rose.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I hope the gentleman will make his speech in his own time and not interrupt me. He can get time yielded to him.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, it is utterly impossible for me to explain this amendment in five minutes.

Mr. FOSTER. Mr. Speaker, I will yield the gentleman 10 minutes instead of 5.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, there are only very general observations that I can make. I had hoped before I took the floor to speak for 15 minutes that I would have heard from the argument on the other side something to which to make reply. We are now able, according to the statement of the engineers, to produce 10,000 horsepower at this plant. Who is willing to say that in the future we will not be producing 100,000 horsepower there? Mr. Leighton, of the Geological Survey, reports that there are now 200,000,000 horsepower possible in this country from water power. Multiply that by 10, as it will be multiplied in the near future, and one can see what will result.

The first man who put his wheel in a running stream developed so much power. The next step forward was an over-shot wheel and it increased that, and from that it has grown to-day to the turbine, which has multiplied the number of horsepower by an hundredfold. At Niagara Falls now, as the progress of science has developed new methods, they have been able to increase from 10 horsepower per cubic foot to 20 horsepower a cubic foot, and no man is willing to say that in the near future some wizard like Edison will not appear who will make it possible to produce 100,000 horsepower at this Coosa River plant instead of 10,000; that instead of 35,000,000, as exist to-day, we will have 350,000,000 primary horsepower in this country, and then every home in the land may be lighted and heated by hydroelectric power, and every wheel that is turned will be turned by that power. When that time comes, if we proceed upon the theory suggested by the gentleman from Alabama that when all of the local representatives insist upon it, it is the business of no one else and none shall therefore speak, we will have a water-power trust in this country in comparison with which the Steel Trust which he mentioned the other day and the Standard Oil Trust will be as nothing, will seem as mere benevolent societies organized for the dissemination of Christian charity. There is no trust possible in this country that will have the power which the water-power trust will have, unless the Federal Government puts its hand upon it and regulates it; and if we are now to give it away before the committee which has it under consideration has been able to thrash out the general policy, if we are to give this away and all of the others that are now pending before this House, it will be too late to legislate, we will then have locked the stable door after the mare is gone. I hope that the House to-day will realize the importance of this matter and not be influenced by considerations such as have been suggested, that the development is favored by the local community, and that all of the people in this country dependent upon this power have no interest in it.

Only a few years ago this power could be transmitted 15 miles. It is now transmitted 200 miles and in some places 300.

Who will say that in 20 years from now it will not be conveyed 2,000 miles? Who would be willing to say that in the course of the years it will not be transmitted without wires at all, and then what will happen? Where this power can now be sold at half of the cost of developing it by steam, the developments of the future will make it possible to sell it at 10 per cent of that, and who can compete then in any manufacturing enterprise in this country with those who control all of the power? Under my amendment it is proposed that these parties who are to get this right shall not transfer it to others without the consent of the Federal Government. If gentlemen do not wish to have this transferred instantly to some water-power companies that are associated together throughout this country, the water-power trust, so called, why not agree to that amendment and make it impossible, then, to create a trust? My amendment provides that this company shall have incorporated within its charter a provision requiring it to submit to such reasonable regulations as to its charges and rates as may be fixed by the State of Alabama. The Federal Government is not attempting to come in and usurp the functions of the State. This amendment simply provides for reasonable regulation by the State of Alabama, and when the power enters into interstate commerce that the grantee shall then submit to such reasonable regulations as may be prescribed by the Federal Government.

Let me read the amendment:

(d) That the grantee shall have incorporated in its charter a provision requiring it to abide by whatever reasonable regulation of the rates and of the service may be prescribed by the State wherein the power is developed and sold, or of any delegated agency of the State, whether that agency be a State commission, municipality, or other local governing body.

Is that any usurpation of the sovereign rights of the State? The Federal Government is to attempt regulation only when the power enters into interstate commerce:

(e) That whenever the hydroelectric power produced with the surplus water at said dam enters into interstate commerce the grantee shall agree to abide by whatever reasonable regulation of its rates and of its service may be prescribed by the Secretary of War.

There are other matters, but all of similar purport, in the amendment, and I challenge any gentleman here to point out specifically his objections to them.

It is no answer to say that this power will be used in the manufacture of some useful and needed article of commerce. All the water powers of the country are used for some legitimate industrial development. Coal oil is just as necessary to the farmer as fertilizer but it is not therefore to his interest that the Standard Oil Co. be permitted to run amuck in the country.

Railroads are essential to his prosperity, but he none the less wants them subjected to reasonable regulation. He is deeply interested in having the latest improved farming machinery, but he is still opposed to the unlawful methods of the Harvester Trust. We are asking only that this company, when it secures the right to build this dam and develop this power, shall submit its activities to reasonable, not unreasonable, regulation by the State of Alabama and contribute a very small, an almost infinitesimal, part of its saving in the cost of producing power to the General Treasury.

One other provision of the amendment is that the franchise or permit granted by this bill shall not be transferred to anyone else without the consent of the Federal authority.

What objection can there be to that? If this company does not intend to secure this right and then transfer it to the so-called "water-power trust," why not let it be so provided in this bill.

I put into the RECORD some weeks ago an extract from the report of the Inland Waterways Commission showing how completely the water-power sites of California had been gobbled up by a few companies. The same is true in Pennsylvania, and is measurably true in Tennessee. We are trying to prevent its recurrence in Alabama and in all the other States before all the power sites have been unconditionally given away.

On the other hand, my amendment proposes to be more liberal with this company than is provided in the general law.

The bill as it now reads subjects this company to all the provisions of the general dam act, and that provides that at the end of 50 years all the power houses, and so forth, are to become the property of the Government without compensation.

Under my amendment, at the end of 50 years the Government can not take that property except upon payment of its reasonable value, and the reason for that is plain. If this property has to be confiscated at the end of 50 years, the company has the right in the meantime to create a sinking fund out of its profits with which to meet the cost of its building, and so forth, and that means that the people to-day must pay more than the power is worth in order that those who come after us 50 years hence will get theirs for less. All of this matter has been

thrashed out by the National Waterways Commission. We appointed a commission, set them to work, gave them power and money to investigate this question. We appointed eminent men, lawyers for whose opinion we have great respect, headed by the great Senator from Ohio, Senator BURTON. They have, after a most laborious investigation, after examinations made by experts throughout the country, made their report, and this amendment which I introduced follows the recommendations of that report. They have given it as their opinion, after the most elaborate investigation, that the Federal Government has the power to lay these conditions, and they have recommended that no further power sites be given away at all until Congress has had an opportunity to act upon the recommendations of that commission. I had expected to devote some time to the question of the power of the Federal Government, but I see now that it is impossible. We are not opposed to the development of water powers; we want them developed. We want railroads in this country, but we want the right to regulate them; we want the water powers of this Nation developed, but that commission reports they can not be developed; that financiers will not invest their money in their bonds until some general policy is thrashed out, until they are freed from the conflicting requirements of 48 different policies established by the 48 different States of the Union. [Applause.]

The SPEAKER pro tempore (Mr. TALCOTT of New York). The time of the gentleman has expired.

Mr. HEFLIN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I desire to briefly call attention to something of the history of the navigation of this river in order that gentlemen may see the importance to navigation of the construction of this dam. The only interest I have in it, Mr. Speaker, is from that standpoint and in the large air-nitrogen factory it will promote. The dam is not to be constructed in my district, but the Coosa River, whose navigation we have been trying to secure for years, runs through a portion of my district. It is a river that forms at Rome, Ga., by the confluence of two other streams. It is navigable for 180 miles, from Rome for some 20 miles below Gadsden, where I live. Then obstructions occur for a distance of 87 miles. Just below where these obstructions end there is a confluence of this river with the Tallapoosa, forming the Alabama, and then it continues to Mobile Bay. With these obstructions removed, Mr. Speaker and gentlemen of the House, this river is the longest navigable stream in the South, next to the Mississippi, that flows into deep water. From Rome, Ga., it is navigable for more than 100 miles above Rome, by the Ostanaula, one of the confluent rivers. We have, then, with these obstructions removed, 825 miles of continuous navigation, running through the richest mineral and agricultural land in any part of that entire section of country. We have been trying for years to secure the removal of these obstructions by the Government, and have at last secured the erection of four locks and dams on the upper stretch of the river. This dam will relieve the Government of the necessity of building three dams, thus relieving the Government of the expense of \$1,622,000 in the construction of this dam alone, leaving the Government to construct one lock, which is to be used in connection with the dam, and throwing out two others, where the Government would necessarily construct both locks and dams and buy the land and build houses and maintain lock keepers' homes. As to Dam 18, as has been said by my colleague from Alabama [Mr. HEFLIN], there are English capitalists who propose to build this dam, who have constructed in Canada, on the Niagara, an immense cyanamide plant for the purpose of making nitrogen fertilizer from the air, something that has not been done up to this time at any place in the United States. It has been done in Norway and other countries of Europe. The granting of the right at Lock 12 will not give them power to run this to its full capacity. They propose to construct a plant which can manufacture 15,000 tons of nitrogen per annum. This is the highest ingredient of fertilizers and the most costly, of course.

In that way the farmers and agricultural people of our section of the country, where they use so much fertilizer, will be immensely benefited. They have already secured the right to construct Dam No. 12. They are at work upon that. The construction of Dam No. 12 opens up 20 miles of navigation of the 87 that remains to be opened. The construction of Dam 18, where this concession is sought, will open up 30 miles more. These people, without asking a cent of aid from the Federal Government, propose to construct 30 miles of navigation. According to the report of the engineers, the cost of the construction of these dams would be equivalent to \$6.40 per horsepower to the Government per annum. I have it here, expressed on a rental basis, that if the Government itself should build a dam at

this place—just this dam—and should furnish 10,000 continuous horsepower, the Government would have to receive \$6.40 per horsepower as rental in order to earn 4 per cent on the estimated cost of the dam. The highest price that the Government has yet charged, so far as I know, is \$2 per horsepower. The cost of this dam, according to the report of the Government engineers, will be about \$1,600,000. The annual interest on this at 4 per cent would be \$64,000. The company can generate 10,000 horsepower per year. Divide \$64,000 by 10,000 and you have \$6.40 per horsepower, which would be the equivalent of what the company would pay per annum.

Gentlemen who oppose this proposition, I think, are going far afield of the old doctrine of State rights when they undertake to authorize a bureaucratic Government, a central Government, to control the waterpowers that flow across a riparian owner's land. Under the Constitution all the rights the Government has, Mr. Speaker, are simply those for the purpose of navigation. Here is a proposition that will aid the Government in the navigation, opening up 30 miles in that river, and here is a doctrine that has been announced time and time again by the Supreme Court of the United States, and many cases are collated by Justice Peckham announcing this doctrine in *Water Co. v. Water Board* (165 U. S., 358-365):

The following proposition is stated in said opinion:

The jurisdiction of the State over this question of riparian ownership has been always, from the foundation of the Government, recognized and admitted by this court. The extent of the plaintiff's riparian right of property was therefore the subject of adjudication by the State court, and the rule has been definitely stated by that court in its judgment, which is now under review.

I hope gentlemen will read this opinion and run down the various cases cited.

In Minnesota it was held, and in the Supreme Court of the United States it was so held; in many cases in the Union the question was taken up to the Supreme Court of the United States, and when it came to that court of last resort the court has said the State courts alone had the right to control the water power of navigable streams as to riparian owners for the use thereof, except when navigation is affected.

In *State v. Mill Co.* (26 Minn., 229-231), it is said:

The general rule arrived at was that a riparian owner may use the waters of a navigable stream adjoining his land for any purpose for his own advantage so he does not impede navigation, and in the absence of any counterclaim by the State or the United States. He may erect dams there, and such other structures as will promote and facilitate the enjoyment of this right.

The same doctrine is clearly announced in *Hall v. Hobart* (186 Fed. Rep., 108). This is stated to be the rule whether the stream is entirely an intrastate or a boundary stream by the United States Supreme Court in *United States v. Chandler Dunbar Co.* (209 U. S., 447). (See also *Grand Rapids Co. v. Butler*, 159 U. S., 87.)

Alabama, Connecticut, and in fact all the other States, except perhaps Pennsylvania, Massachusetts, and Maine, have, by their supreme courts, announced the same doctrine.

Senator NELSON, in Senate Report No. 585, Sixtieth Congress, first session, says:

The Federal Government under its taxing power could possibly reach to a tax on water powers, but it must be general and uniform throughout the United States. It must apply to all dams and water powers in the United States.

In the same report he says:

It has been customary in many cases to apply to Congress for a Federal license, and the granting of it, while not necessary, serves a twofold purpose: First, it authorizes the Federal Government, through the War Department, to control and direct the construction of the dam; and, second, it recognizes the fact, which might otherwise require proof, that the dam will not affect the navigability of the stream in its navigable portions. * * * But in such cases the Federal Government has nothing to sell, and therefore has no moral or legal ground to demand compensation in any form.

In support of these views he cites *Kansas v. Colorado* (206 U. S., 46); *U. S. v. Rio Grande Co.* (174 U. S., 690).

Alabama has already granted the right to riparian owners of the use of navigable waters for power purposes, and has fixed the conditions and limitations on the use of the same. Then, what right or property has the Federal Government in this case to fix any condition other than such as will protect navigation?

The object of the company, as said before, is to secure power to manufacture air nitrogen for fertilizer. One horsepower will produce 1 ton of fertilizer per annum. Should the Government levy a tax of \$2 per horsepower, the inevitable result would be to increase the price of the fertilizer \$2 per ton, and our farmers would have it to pay. Thus, the consumer would be forced to further pay tribute to the coffers of a rich Government, to be wasted on battleships and a standing army. Gentlemen, this is unjust; it is undemocratic and unpatriotic. Would any gentleman here con-

tend that Congress has the right to make a farm owner on the banks of the Coosa River pay for the water which his cattle and horses drink, or with which he irrigates his fields? Yet the principle is exactly the same.

In fact, my illustration is even a stronger case. In the case of the farm the water is consumed in its use. In the case of the water power the water, like that in Tennyson's "Brook," "goes on forever," is not depleted in its use, navigation is promoted, and the Government saved a vast expenditure of money.

The company owns the lands on each side of the river and simply asks to be allowed to use the water for this magnificent purpose and at the same time vastly aid the Government and thousands of people. We have long hoped to see boats running upon the bosom of this splendid river from Rome, Ga., to Mobile; now, gentlemen, when we are about to realize these fond hopes do not blast them.

I will set out as a part of my remarks extracts from a little booklet on cyanamid, which I am sure Members will find interesting and instructive. Also, extracts from several Government publications on the same subject:

MANUFACTURE OF CYANAMID.

A mixture of lime and coke is heated in an electric furnace. At a temperature of 6,000° F. the lime and coke combine and form calcium carbide. It is a dazzling, white-hot liquid as taken from the furnaces. After cooling the carbide is crushed, packed in steel vessels, and again heated by electricity to redness. Pure nitrogen, obtained from the atmosphere by the liquid-air process, is now added and combines directly with the carbide, forming calcium cyanamid. On cooling, the mass is removed from the vessels in which it is contained, is ground, and treated by a special process to eliminate every trace of unchanged carbide. Its free lime is then converted into stable organic compounds. The final material is granulated and packed in bags.

AS A DRYER IN FERTILIZER MIXTURES.

Cyanamid has a double drying action, due, first, to its extreme dryness (0.50 per cent moisture) and, second, to its neutralizing action on the free acids of the acid phosphate.

The slow heat generated by the neutralization of the free acids in the acid phosphate drives the moisture from the wet materials to the drier ones of the mixture and gives the entire mass a uniform dryness.

Its large capacity for fixing water chemically reduces all kinds of wet goods to excellent condition.

PREVENTS LOSS OF NITRATE NITROGEN.

It is well known that when nitrate of soda is mixed with acid phosphate in ordinary complete mixtures there is a loss of from 10 per cent to 20 per cent of the nitrate nitrogen. This is due to the production of niter fumes by the active acidity of the acid phosphate.

The use of cyanamid in the mixture with nitrate of soda absolutely prevents the generation and escape of the niter fumes, simply by neutralizing the active acid properties of the acid phosphate.

PREVENTS BAG ROTTING.

Bag rotting is usually due to the liberation of hydrochloric acid gas in complete mixtures by the action of the free acids in acid phosphate on muriate of potash.

Cyanamid properly used neutralizes all active acids and thus effectively prevents the formation of destructive gases.

The prevention of bag troubles and their resultant expense to the manufacturer justifies the use of cyanamid in all complete mixtures.

LIME IN CYANAMID.

The lime in cyanamid adds a distinct agricultural value to mixed fertilizers. Every 100 pounds of cyanamid adds to the soil an amount of lime equivalent to 75 pounds of lime hydrate.

This lime sweetens the soil, loosens and warms it, and increases its bacterial activity. The maximum benefit can not be obtained from an acid fertilizer applied to an acid soil. Cyanamid makes the fertilizer neutral and corrects soil acidity.

AVAILABILITY.

Ninety-six per cent of the nitrogen in cyanamid is soluble in cold water and is therefore available. The neutral permanganate test gives an availability of from 87 per cent to 92 per cent—the sample used being too large to be entirely dissolved.

SOIL ACTION.

As fast as cyanamid dissolves in the soil solution it is converted into the organic compound, urea. This substance exists in large quantities in Peruvian guano. It is directly assimilated by plants and faster than any other known nitrogen compound. If the plant is not ready to take up all the urea formed, it reacts with the soil and is fixed therein so firmly that no amount of rain can wash out the nitrogen.

The nitrogen now being in the form of double ammonium compounds it is readily absorbed by the plant as needed.

AGRICULTURALLY.

The question of cyanamid's fitness for agricultural purposes has been thoroughly investigated by European and American agriculturists and chemists, and all results are favorable to its general use. It has passed the experimental stage and is extensively used in continental Europe, Japan, and America. It can be successfully applied to all soils in any climate and under a diversity of crops.

CYANAMID IN STORAGE.

Numerous accurate factory and laboratory tests in various sections of the United States and Europe have proven without exception that cyanamid does not lose ammonia in storage.

Occasionally the percentage of nitrogen decreases, but in every case there is a proportionate increase in the weight of stored material. The pounds of ammonia in storage always remains constant.

Increase in weight is due to cyanamid absorbing carbon dioxide and moisture from the air, but most of the moisture goes into complex nitrogen compounds.

The change in analysis of the present grade of cyanamid is so small as to be negligible.

AS AN INSECT DESTROYER.

Engineer Vincent Albanese, Palermo, says in fertilizing garden crops insects entirely abandoned field where cyanamid was used and badly damaged similar unfertilized crops in neighboring fields.

Mr. Francesco Lozzi, Vittoria, Italy, says that with cyanamid he obtained three times usual quantity of potatoes, all perfectly sound, free from insects which follow the use of stable manure.

ATMOSPHERIC NITROGEN.

ABSTRACTS AND QUOTATIONS.

[From the Reports of the Department of Commerce and Labor, Bureau of Manufactures, and from Daily Consular and Trade Reports, upon the subjects of the "Utilization of atmospheric nitrogen" and "Manufacture of air nitrate fertilizers."]

Mr. A. H. Baldwin, Chief of the Bureau of Manufactures, writes the following letter of submittal in submitting the report of Thomas H. Norton, Consul at Chemnitz, Germany, on the subject of the "Utilization of atmospheric nitrogen," as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF MANUFACTURES,
Washington, April 3, 1912.

To Hon. CHARLES NAGEL,
Secretary of Commerce and Labor.

SIR: I have the honor to submit herewith a report on the air-nitrate industry by Consul Thomas H. Norton, of Chemnitz, who is on special detail for the Department of Commerce and Labor for the investigation of the chemical industries of Europe. For many years the world has been dependent on the nitrate beds of Chile for supplies of combined nitrogen, and as these beds are not inexhaustible, and as the demand for combined nitrogen by manufacturing and agricultural interests is rapidly increasing, serious efforts have been made to discover new deposits, and many prominent chemists have endeavored to perfect processes for utilizing atmospheric nitrogen. The report deals with the present supply of nitrogen, the synthetic production of ammonia, the synthesis of nitric acid, hydrocyanic acid, cyanides, nitrides, and calcium cyanamide from atmospheric nitrogen, and coal waste and peat as sources of ammonia. It should be of value, in view of the fact that the United States now spends over \$32,000,000 abroad for nitrogen in its various combinations.

Respectfully,

A. H. BALDWIN, Chief of Bureau.

On page 10 of the same report, as follows:

"The United States is now sending abroad over \$32,000,000 annually for the purchase of nitrogen in its various combinations, and over half of the sum is expended for a single item and goes to a single country—Chile. Further, nearly all of the nitrogen contained in the list of more valuable nitrogenous compounds is derived from Chile saltpeter exported to European countries, chiefly Germany.

"The fact that the United States, in common with all civilized countries, and especially with all manufacturing countries, is so dependent upon this one source, and the additional fact that the deposits of nitrate in Chile are not particularly extensive and are destined at an early date to complete exhaustion, constitute the nitrogen problem."

On page 23 of the same report, as follows:

"No attempt is made by the Chilean Government to restrict the output, although there is an export duty of \$11.16 per short ton on saltpeter. From this one source 60 per cent of the Chilean revenues are now derived. During the 31 years, beginning with 1879, the industry and agriculture of the world have paid a tax of \$425,000,000 to Chile."

On pages 27 and 28 of the same report, as follows:

"It is evident that the deposits of nitrate outside of Chile, barring new and not very probable discoveries, possess a purely local and transient importance. They have no bearing upon the world's problem.

"The world's demand for nitrogen is rapidly increasing. This demand can be met in four ways, as follows:

1. By a temporarily increased supply of saltpeter from deposits, soon, however, to be exhausted.
2. By an increased supply of ammonia as a by-product of coal and peat, dependent on a general reform in the use of these materials as fuel, and limited by the extent to which they may be used as sources of light and heat, and limited, further, in point of time, by the world's supply of fossil fuel, with a possible exhaustion within a few centuries.
3. By the closest economy in preserving all waste forms of combined nitrogen, vegetable or animal, so that they may be utilized as plant food.
4. By the technical transformation of atmospheric nitrogen into combined forms available for the needs of agriculture and the arts."

In a publication of the Department of Commerce and Labor, issued in 1909, on the "Manufacture of Air Nitrate Fertilizers," by Henry Bordewich, consul general at Christiania, Norway, and W. H. H. Webster, consul at Niagara Falls, Canada, on page 5, will be found the following:

"The possibility of manufacturing nitrate fertilizers from the air, on a commercial scale, has been successfully demonstrated in Norway, where plants that utilize the vast water power of that country have been erected. There has recently been completed in Canada a plant for the manufacture of such fertilizers, which will derive its power from Niagara Falls, and it is stated that other establishments will be erected in the United States at points where water power and the necessary raw materials are available. The effect of this new industry on both the domestic and the foreign trade of the United States will no doubt be far-reaching."

On page 6 of the same report, as follows:

"For the manufacture of air nitrate fertilizers on a commercial scale, cheap electrical power is essential, and for this reason water power for generating electricity is sought. Limestone and coke are used in large quantities, and supplies of these materials, if available at relatively low cost, prove important factors in reducing the cost of manufacture and in assuring the success of the industry. It is estimated that the undeveloped water power of the United States is equivalent to approximately 30,000,000 horsepower."

"With the rapid appreciation in recent years of the cost of fertilizer materials, their much more general use, and the prospect that a few decades at most will witness the exhaustion of the Chilean deposits of nitrates, it is not surprising that efforts have been made to draw upon other sources, and especially to utilize the supply of nitrogen in the air. With limestone and coke in abundance and vast water power unused, it would appear that the new processes by which the air is drawn upon for nitrogen might enable the United States to manufacture fertilizers in sufficient quantity to keep at home the \$17,000,000 now going abroad annually for such goods."

On page 13 of the same report, Consul Webster writes as follows:

"Within the past year an entirely new industry has been established in Canada—one which has attracted a great deal of attention because

of its direct bearing on the cost of manufacture of fertilizers, and hence its bearing on the cost and production of foodstuffs."

On page 16 of the same report, Mr. Webster says:

"The exhaustion of soils in the United States has increased with great rapidity in recent years, and this has resulted in the establishment of great fertilizer industries, there being invested in factories for this purpose alone in the United States about \$70,000,000, and yet the fertilizer industry is said to be only in its infancy. The world's chief supply of nitrogen comes from the Chilean desert, from which was exported in one recent year \$75,000,000 worth of nitrate, practically 80 per cent of which was used in agriculture. During the last decade the exportation of Chilean nitrate has increased 60 per cent in quantity, 60 per cent in price, and 250 per cent in total value. The Chilean Government estimates that the nitrate fields will be exhausted in about 45 years."

From Daily Consular and Trade Reports, No. 3427, of March 12, 1909, on page 14, as follows:

"Representatives of European interests manufacturing air nitrates by hydroelectric power for fertilizers are in the United States to see what can be done in the way of securing large water powers for establishing such factories in this country. An industry of this kind is needed, as the imports of Chilean nitrate of soda now amount to \$14,000,000 a year. Difficulty is being experienced, however, in securing suitable water powers at reasonable cost. Governments of other countries are said to be offering inducements for the location of the extensive nitrate mills which the company proposes to erect."

From Daily Consular and Trade Reports, No. 3689, of January 19, 1910, on page 13, as follows:

"Supplementing previous articles in Consular and Trade Reports on the manufacture of air nitrates for fertilizer in Norway, Germany, and Niagara Falls, Canada, it is learned from British consular reports that the industry is undergoing rapid expansion in the first-named country, where nearly \$15,000,000 will be invested."

"Though there are vast water powers in the United States running to waste which could be utilized to produce this article, nothing has yet been done in that line, although this country is buying annually about \$15,000,000 worth of Chilean nitrates."

Mr. HEFLIN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, of course, in the brief time allotted to me I can not say very much about this important subject.

Mr. HEFLIN. I will yield six minutes to the gentleman, Mr. Speaker.

Mr. CLAYTON. I am obliged to my friend, but even in that time I can not hope to say very much. We all know the business conditions which confront the House at this time.

Mr. Speaker, this bill on its face shows that it is for the utilization of a natural resource. We hear a great deal in these days about the conservation of our natural resources, and here is a bill that provides for the utilization and conservation at once of a great water power down in Alabama that is now going to waste, and the bill shows that the dam by which this water power is to be utilized is to be erected at the expense of a corporation authorized by the laws of the State of Alabama to erect a dam, or incorporate it under the laws of Alabama. And the bill also shows that the right to alter, amend, or repeal it is reserved to the Federal Government. So it seems, Mr. Speaker, that this bill is in the interest of the conservation and utilization of a great natural resource, of a great water power now going to waste and benefiting nobody. There is but one legal proposition, I think, underlying the controversy, and that is the power of the Federal Government to collect tolls in a dam erected by private capital.

Mr. Speaker, the power of the Federal Government over the navigable streams is derived from the commerce clause of the Constitution and nowhere else—the power to regulate commerce between the States. For when we look to the exercise of a Federal power, the Federal Government being a government of delegated and limited powers, we must look to the organic instrument to see the power that the Federal Government seeks to invoke or apply in any given case. If there is any authority on the part of the Federal Government to collect tolls for the utilization of flowing water, which the amendment of the gentleman from Mississippi proposes, it is derived—if it can be derived at all—from the power to regulate commerce between the States. No grant of such power can be found elsewhere in the Constitution.

The Federal Government has nowhere the power to set up and carry on the business of making and selling water power. Its control over a navigable stream is for the sole purpose of regulating the commerce between the States, and that means to improve that stream for the benefit of the commerce between the States and to keep that stream free of obstruction for the benefit of commerce between the States.

Now, it is said that the Federal Government can exercise the taxing power. It can not do that in this case. The taxing clause is limited by the words "taxes must be uniform throughout the United States." But the power to levy this toll can not be derived from the taxing power. If it can be derived anywhere, it must be from the power to regulate commerce; and, Mr. Speaker, I think that the power and authority of the Federal Government is limited to regulation for the specific purpose of navigation, and that all other power and all other interest or authority, both sovereign and proprietary, belongs to the State

or to the individual riparian owners. I do not believe that the Federal Government has the right, where private capital is authorized to construct a dam, to require the constructors of that dam to pay a toll for the water that goes over that dam. In other words, the water does not belong to the Federal Government. To sell water power is no part or parcel of the regulation of commerce between the States. It is a business enterprise, it is a business undertaking, that the Constitution of the United States does not authorize the Federal Government to embark in. It is not connected with navigation. The sale of the water power in this case where the dam is to be constructed by private capital is something that the Federal Government is not concerned in.

It is worthy of remark that the pending bill is not a case where the Federal Government has built a dam and then permits private parties to use the water flowing from that dam. Here the Alabama corporation proposes to construct and maintain the dam at its own expense for the purpose of improving the navigability of the river and taking for itself as compensation the incidental benefit to be derived by utilizing the overflowing water.

As early as *Pollard v. Hagan* (3 Howard, 212) the Supreme Court held that the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States, respectively. In this case the court said:

This right of eminent domain over the shores and the soils under the navigable waters, for all municipal purposes, belongs exclusively to the States within their respective territorial jurisdictions, and they, and they only, have the constitutional power to exercise it.

Blackstone in substance states that it is an elementary proposition that nobody, whether sovereign or individual, owns the waters themselves of a running stream, and that the right, whether it be of sovereign or subject, is simply to the beneficial use of the waters as they naturally flow (2 Blackstone, 18), and this doctrine is upheld in *United States v. Chandler-Dunbar Water Power Co.* (209 U. S., 447).

But, Mr. Speaker, owing to the brief time which I have, I must pretermitt further discussion of this question. The Supreme Court in the *Pollard* case recognized that the act admitting Alabama into the Union provided—

That all navigable waters within said State shall forever remain public highways, free to the citizens of the State and of the United States without any tax, duty, impost, or toll therefor imposed by the said State—

And the court held there that the United States did not possess any more power over the navigable waters of Alabama than it possessed over the navigable waters of the original States. The title to the shore and lands under the water being in the State—

the lands are subject to such regulation and control, under the condition, however, of not interfering with regulations which may be made by Congress with regard to public navigation and commerce.

The facts of the case presented by this bill are that an Alabama corporation asks permission of Congress to build at its own expense and operate a dam across the Coosa River in Alabama—

at a place suitable to the interests of navigation * * * in accordance with the act of Congress to regulate the construction of dams across navigable waters.

And the right to alter, amend, or repeal this act authorizing the construction and maintenance of a dam is expressly reserved to Congress. It is admitted that the proposed bill would help make navigable a stream which is now in fact not navigable. This Alabama corporation proposes to pay for this improvement of the navigation of this river. The Federal authorities have said that it will improve navigation and not obstruct navigation. Why not let the improvement of the navigability of the river be thus made free of expense to the Government of the United States? And why not let the people of Alabama have permission to conserve this great water power, now flowing uselessly or in wild waste to the Mexican Sea? The spirit that would deny such use of this water to the people of Alabama is even narrower than the spirit which actuated the dog in the manger, for while the dog could not eat the hay he did use it as a bed. Here this water is not used for any purpose whatever. It is not conserved, but is wasted. This Alabama corporation is no part of any trust. It proposes to take of the abundant coke and limestone in Alabama and by use of this water power to combine the residuum of such coke and limestone with nitrogen extracted from the air and thereby make a valuable element of commercial fertilizers. Any tyro knows that the three principal elements of plant food are phosphate, potash, and ammonia or nitrogen.

The most expensive of these elements is nitrogen. We get our phosphate largely from the phosphate rocks of Tennessee,

South Carolina, and Florida. We get most of the potash from Germany. We use dried blood, dried fish, and barnyard manure for nitrogen. But these do not supply the agricultural demands for nitrogen. Hence we import into the United States from Chile every year about \$32,000,000 worth of nitrate of soda, upon which there is paid a tax to the Chilean Government of \$11.16 per ton. Upon an average our farmers have to pay about \$50 per ton for this nitrate of soda. This Alabama company proposes to manufacture nitrogen and thereby keep at home a large part of this money which goes to Chile. Alabama is blessed with the coke, coal, and limestone in a stone's throw of this proposed water power, and therefore if permitted to construct this dam can manufacture the nitrogen and sell it to the farmers of Alabama and adjacent States at a much lower cost than they can buy the Chilean nitrate of soda. Why not let this benefit go to the farmers, and why not save these millions of money at home instead of sending them abroad? The farmers of the South are doing their part to lessen the high cost of living. They are engaging more and more in intensive and scientific farming, and as a part of their plan to make the soil yield more abundantly of corn, small grain, cotton, fruits, and vegetables they are compelled to use more and more commercial fertilizers. I appeal to this House to pass this beneficent act and let the farmers of Alabama and adjacent States be supplied with cheaper commercial nitrogen. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. Moore].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Speaker, I stand for the development of the resources of this country, and I am particularly interested in the movement to develop the resources of the South—an extremely fertile country that has too long remained dormant while the other sections have been progressing along industrial lines. I would like to see every river in the South—there are many of them there—opened up, so that the fertility of the land might be utilized, the mines might be reached and operated, and the navigation developed. Alabama in particular is a State in which there are many rivers, rivers of great importance if they are properly improved and developed.

But when States come to Congress, as they now do, having stood against the development proposed in other sections, and demand the opening up without limitation of certain streams for the purposes of water power, it induces one to hesitate and to ask just whither we are drifting.

Had these seven or eight propositions come into this House during the last Congress, bills in behalf of private individuals, affecting navigation by the construction of dams for the creation of water power, there would have been such an outcry as would have reached to high Heaven. But things are different now. Our friends who are looking forward to the development of their country—and very properly so—who would have held their noses two or three years ago had any proposition of this kind been introduced in this House, have changed position.

Mr. BURNETT. Mr. Speaker, may I say to the gentleman that no Member of this House from Alabama has ever opposed the granting of these dam rights?

Mr. MOORE of Pennsylvania. I am glad to hear the gentleman from Alabama say that. I know he wants to see the true and proper development of the water power of his State, and I rejoice in the fact that he is taking the progressive side of this question. But in the limited time allotted to me I want to speak of the failure of the bill now under consideration to properly conserve the resources of the country and of the particular State to which the bill applies, and to protect the interests of the consumers of that water power which it is proposed to create by this grant of the Government.

This bill is a bill which permits the Alabama Power Co., unknown and without responsibility, so far as the information of this House is concerned, to construct, maintain, and operate a dam across the Coosa River, in the State of Alabama. So far, so good. Suppose we had brought in a bill of this kind two years ago; would not our friends on the other side have arisen at once and with one voice asked, Who is the Alabama Power Co.? What is there behind the Alabama Power Co.? What is its responsibility, and who will pay if the Alabama Power Co. fails to make good? This is but one of a series of bills that have been brought in suddenly—

Mr. CLAYTON. May I ask the gentleman a question?

Mr. MOORE of Pennsylvania. I have not the time, unless I may have five minutes more.

Mr. CLAYTON. I suppose that the State authorities will take care of all those matters.

Mr. MOORE of Pennsylvania. I hope that may be so.

Mr. CLAYTON. We have ample State laws and very honest officials down there who will see to it that all the restrictions that the people need are imposed.

Mr. MOORE of Pennsylvania. I hope that may be so, but in order to make my statement I shall have to proceed. The Committee on Interstate and Foreign Commerce, through the chairman, the gentleman from Georgia [Mr. ADAMSON], has another bill upon the calendar which provides that the same governmental privilege shall be granted to the Hydro-Electric Co. of the State of Tennessee to build four dams upon the Clinch River. I have no question with regard to the propriety of this thing if properly safeguarded, for I should like to have the water power developed on the Clinch River.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask for two minutes more.

Mr. FOSTER. I yield to the gentleman two minutes more.

Mr. MOORE of Pennsylvania. In addition to that, this omnibus bill, brought in by the Committee on Interstate and Foreign Commerce, provides that Ralph Morrison shall have the right to construct, maintain, and operate a dam across the Osage River in Miller County, Mo. We have a right to ask who Ralph Morrison is, and what is his responsibility, and who stands behind him, and who will make good if he fails.

Then, again, the bill provides that the Kootenai Power Construction Co. shall have the right to build a dam across the Kootenai River in the State of Montana.

Then authority is given to the Great Northern Development Co. to build a dam in the State of Iowa, and to the Clinch River Power Co. to build one in Tennessee, and to Carl J. Kiefer and Laurent Lowenberg to build two dams across Duck River in Hickman County, Tenn. May we not ask who these gentlemen are and what their responsibility is?

Mr. ADAMSON. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. MOORE of Pennsylvania. I regret very much that I can not.

Mr. ADAMSON. The gentleman has asked a question, and now he denies me the opportunity to answer it.

Mr. MOORE of Pennsylvania. I have not the time. The bill also gives M. C. McCannless, W. C. Hale, W. H. Mullins, John Loop, and E. M. Grant, of Morristown, Tenn., the right to build a dam across the Clinch River in the State of Tennessee. Who are these gentlemen?

It also gives authority to B. E. Debler to build a dam or dams across the Current River in Ripley, Carter, and Shannon Counties, Mo. What assurance have we about Mr. Debler?

I ask gentlemen upon the other side of the House if they are prepared in this way to vote away these rights to individuals and concerns when we have here no word as to their responsibility and the right is to be granted without any limitation whatever.

Mr. ADAMSON. Mr. Speaker, the gentleman from Pennsylvania asked me a question and then declined to yield to me to answer it. I ask for one minute in which to answer him.

Mr. HEFLIN. I yield to the gentleman one minute.

Mr. ADAMSON. The gentleman from Pennsylvania ought to be fair. There is not a word of truth in the statement of anybody that we have granted away any privilege to anybody except to consent for a dam to be built in each case under the authority of the State in which the river is located. The only consent we have to grant is that they may build a dam under the authority and jurisdiction of the State, and each bill requires the express authority and control by the State, and if the gentleman lives in a State so unworthy of statehood that it is unable or unwilling to regulate and control property, property rights, and enterprises, and the conduct of its citizens, he ought to run away from that State if he has any self-respect. [Applause.]

Mr. HEFLIN. I yield to the gentleman from Alabama [Mr. CLAYTON] the other half minute.

Mr. CLAYTON. Mr. Speaker, I want to say in reply to the suggestion made by the gentleman from Pennsylvania as to the guardianship that Congress ought to exercise over the probable users of this hydroelectric power that the State of Alabama in her sovereign capacity has chartered this corporation and that it is amenable and subject to the laws of that State. The users of this hydroelectric power which is proposed to be generated will be subject to the control of the State, and the people of the State of Alabama are quite willing and able to see that their State laws shall take care of all these matters.

Mr. HEFLIN. I yield to the gentleman from Indiana [Mr. CLINE].

[Mr. CLINE addressed the House. See Appendix.]

Mr. FOSTER. Mr. Speaker, I now yield to the gentleman from Illinois 15 minutes.

Mr. MANN. Mr. Speaker, the immediate question that is pending before the House is the passage of the bill to give to the Alabama Power Co. the right to dam the Coosa River in the State of Alabama. But the real question pending before the House is, What shall be the policy of the Government concerning the construction of dams across navigable waters?

Some years ago, while I was serving on the Committee on Interstate and Foreign Commerce, I found that the practice in regard to bills relating to the construction of dams was for the attorney of some company that desired the privilege to prepare a bill, in some cases one section long, occupying half a page of bill form, and in some cases 9 or 10 or 12 sections long, occupying several pages of bill forms. There was no pretense of preserving any rights of the General Government in most of these cases.

By direction of the Committee on Interstate and Foreign Commerce, with other members of that committee, I proceeded to prepare the draft of a bill which was finally enacted, called the general dam act of June 21, 1906. One of the questions involved was whether the Government in giving its consent to the construction of a dam as an obstruction to navigation could exact any conditions for the consent. Various gentlemen at different times have insisted that all that the Government could do was to exercise its power under the commerce clause of the Constitution over the question of navigation, and to give or not to give its consent, without exacting anything in addition if the consent was given.

I call the attention of the House, however, to a portion of the general dam law carried in the original act, and again in the amended act of 1910, which seems to me rather to foreclose the question.

It is the contention of gentlemen who are opposed to the power of the Government to exact money as a condition, that the Government has no power except over the question of navigability, and has no power to require any money to be paid as one of the conditions of granting the right. This is the condition provided in the general dam act:

And also that whenever Congress shall authorize the construction of a lock or other structures for navigation purposes in connection with such dam, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States free water power or power generated from water power for building and operating such constructions.

Here is a case where the Government has done nothing itself except to grant its consent to the construction of a dam across a navigable water. It has expended no money itself, and yet it insists that the persons taking the permit to construct the dam shall expend money for the benefit of the Government, shall furnish power free for the use of the Government.

Mr. UNDERWOOD. The gentleman read as if he was reading from a decision of the Supreme Court of the United States. I did not catch the authority he was reading from.

Mr. MANN. I was reading from the general dam act.

Mr. UNDERWOOD. The gentleman will not insist that what is in the general dam act is authority on a constitutional question?

Mr. MANN. I said that no one had ever questioned this. Does the gentleman from Alabama question it?

Mr. UNDERWOOD. There may be some terms on which the Government can authorize or can agree on how the dam shall be built, but that is a different question from exercising the power of taxing the flow of the water in the stream.

Mr. MANN. The gentleman sidesteps the question. The gentleman is seeking to pass a bill which refers to this act, and one of the provisions of this act is that the Government does require the company to furnish free of cost certain power, and to buy land and present it to the Government. What is the difference between that and requiring them to pay money directly to the Government, so far as the constitutional question is involved?

Mr. HUMPHREYS of Mississippi. And it requires them to provide for fishways.

Mr. MANN. Now, Mr. Speaker, the original dam act also contained this provision, and so does the amended act:

Provided, That in approving the plans, specifications, and location for any dam, such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate, without expense to the United States, in connection with any dam and accessory

or appurtenant works, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress at any time may deem necessary in the interests of navigation, in accordance with such plans as they may approve.

When that provision was written into the bill which became the general dam act, it was the intention of the gentleman who wrote it into the draft of the bill that it would give the Secretary of War the right to impose conditions and stipulations which might include the power to exact charges for the use of the stream, and also the power to regulate charges of the company creating the electric power. I thought it was perfectly clear when we made the plan subject to the approval of the Secretary of War and permitted the Secretary to exact conditions and stipulations, that he had the power to exact these provisions and stipulations. I endeavored to persuade President Roosevelt that that was what the act provided for, but I was unable to obtain the approval of the War Department, under the President, and did not obtain any direction from the President to the War Department to exact such stipulations. The present Secretary of War is of the opinion, as I understand, that either the provisions in the dam law do not give him the property, or that it is doubtful. If the provisions in the general law are doubtful upon the subject, I am in favor of withholding the consent of the Government to construct any dams at all until it is determined by Congress what its policy shall be, and I hope it will determine that it has the power to exact such conditions and stipulations as we may think proper, including the right to exact a charge, if necessary, and the right to regulate charges made by the company to its consumers. [Applause.] Until that is done I do not believe it is proper to take up a particular bill and pass it.

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

Mr. MANN. Certainly.

Mr. CRUMPACKER. The gentleman perhaps is as well prepared to judge of the prospect of the Congress agreeing upon a general policy for the construction of dams as any man in either branch of Congress. I would like to know what his judgment is as to the probability of Congress at any time within the near future getting together upon that great question, and if there is no reasonable probability whether all of the enterprises should be held up awaiting a prospect of that kind?

Mr. MANN. Mr. Speaker, I do not exact as a condition to my voting for a bill that my own particular or peculiar views shall be adopted by Congress. What I am seeking is to have Congress wait concerning the passage of a particular bill until it has determined upon its policy, and plainly it is not now determined upon the policy, although it has passed two general dam acts.

Mr. CRUMPACKER. That is the only question that makes me hesitate in relation to this particular bill. If I thought that Congress would in the near future adopt a general policy, I would vote against the passage of this bill unhesitatingly; to have it come within the policy that Congress may adopt.

Mr. MANN. Mr. Speaker, I was going to explain my views upon that, and I am glad the gentleman has called attention to it. It seems to me when we have on the calendar six or eight bills, all substantially the same, providing for the construction of dams in different parts of the country—I think there are a dozen dams in contemplation in bills pending before Congress—that the proper thing to do would be for Congress to wait until the next session, when the Committee on Interstate and Foreign Commerce, which has reported these bills, has its day in the House, and then take up one of the bills and fully discuss it and determine what our policy shall be, and pass all the other bills upon the same basis. Whatever of general character we put in one we should put in the others, and if we pass one upon one basis we ought to pass the others upon the same basis. I can see no reason why, after two hours only of discussion this morning, with very little opportunity for amendment, we should now seek to settle the policy which will control us in the future as to all of these water-power propositions. We can easily wait now. There is no pressing necessity for the passage of this bill. I understand that gentlemen desire it. I appreciate the fact that we ought to be, as far as practicable, developing the various water powers of the country, but it is far more important to have them developed under the proper conditions and under the proper policy than it is to pass one bill now, a few months ahead of when we will settle the future policy of the country. There has been and is dissatisfaction in reference to the two dam laws that have been passed. When the first law was passed, in 1906, there was opposition expressed to its provisions, and in the last Congress, while I was the chairman of the Committee on Interstate and Foreign Commerce, the second law, amending the old law, was passed. I introduced a bill upon the subject, expressly reserving to the Government power to regulate charges to consumers and the power to exact charges

for the use of the stream. The rest of my committee did not agree with me upon that subject. Perhaps they were right. I yielded to them, to the superior wisdom and superior numbers, and the bill was reported to the House and passed.

Personally, I never have thought that the amended bill would secure the rights of the Government and the people as well as the original bill, though it was intended to, I think, by the gentleman who perfected it and adopted it in committee and on the floor of the House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HEFLIN. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I have not gained much definite knowledge about the real merits of this proposition. I listened to the gentleman from Alabama [Mr. BURNETT] and I understood from his statement, which I take to be true, something of the desirability of the utilization of power that would come from the building of this dam at 18; 12 already authorized. I gather from the remarks that pretty well up to a million is contributed if this bill passes, and more than that in connection with the construction of Lock 12 saved to the Government Treasury. Now, if this navigation is ever to be developed on the Coosa River, I suppose it will be developed by the authority of Federal appropriation. If it be true that of the 80 miles that is now absolutely unnavigable, 30 miles of that 80 can be developed, so far as the dams are concerned, at a saving of between one and two million dollars to the Government, I am for saving that which is in sight, especially as under the general dam act this act is subject to amendment or repeal. Mr. Speaker, I have never lost much sleep about the powers of the State and the power of the General Government to prohibit water monopolies for power. Why, I recollect when the grangers agitation came in 1873, and when Illinois and all the other States practically had granted railway franchises, 99 years some of them and hundreds of years to others, to fix the charge for freight and passengers it was alleged to be a contract, but under the police powers of the States and to regulate public utilities, under the decisions of the Supreme Court of the United States and under the decisions of the State courts, you now can fix the charges for public utilities by the States, and as to interstate commerce by Congress, railway and water by the legislature, and there is only one limitation on the exercise of this power, and that is that the charges shall not be confiscatory. Now, as to the Coosa River, I hardly know where it is, except it is said to be in Alabama and rises in Georgia, for all time that water has been running to waste. [Applause.] God knows how much longer it will run to waste if we shut out what seems to be a reasonable proposition. You say you are going to improve the navigation. If you tell the truth this will save well up to a million dollars to the Government.

Mr. BURNETT. A million and a half.

Mr. CANNON. A million and a half, the gentleman says. Now, I am quite willing to risk Alabama preventing any monopoly [applause] on the one hand and Congress under this bill can repeal or amend this act according to the general dam act. [Applause.] I see no reason for delaying. Great heavens, we have just begun to develop. It is not improbable that men listening to me now will see the tides of the ocean harnessed for power. Oh, gentlemen, let us, if the gentleman from Alabama is correct, save this million and a half and trust to Alabama to prevent a monopoly and trusts and combinations, and the Congress of the United States to amend or repeal this act rather than wait and let this water continue to run to the ocean unexposed by the turning of wheels. I like always to be practicable; I do not believe much in posturing before the country for power in political contests; I do not think, gentlemen, that we are to fall down and disrupt the Government, if these gentlemen are correct in their statements, by enacting this law. [Applause.]

Mr. HEFLIN. Mr. Speaker, I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I shall vote for this bill, but I would vote for it with more enthusiasm if the general dam act contained a provision which it does not now contain and which provision, in my opinion, would so amend that act as to fully protect beyond all question the people of the localities in which these structures are to be operated. I would provide in addition to the present provision of the general dam act as follows:

Provided, That the authorization herein granted is on the express condition that any denial on the part of any person or corporation enjoying or using the same, for the generation or transmission of electric power or energy, of the authority of the State to supervise and control all such operations and to fix conditions and determine reasonable rates under which power may be generated, transmitted, or sold, or any

refusal to accept or abide by any supervision, control, condition, or rate established by or under State authority, shall work a forfeiture of all claim or right to maintain or operate the dam authorized herein; and upon the determination of such denial or refusal by a court of competent jurisdiction, in a suit which may be instituted by any party in interest, the authority herein granted shall be revoked.

I expect to prepare and present an amendment to this bill along these lines.

All that is needed in addition to what we have in the general dam act to fully protect the people is to make it clear that the State has full and complete authority and control over these corporations, which are generating electricity. The Federal Government has no right under the Constitution to attempt to assert authority and control in those matters. The State authority is complete, and if we make it a condition of the authorization there can be no question but that the people of the States will protect themselves. [Applause.]

Some of the gentlemen who are advocating what they are pleased to term conservation are, in fact, simply seeking to fasten on local enterprises a system of Federal taxation. Some of those who claim to be anxious to protect the people from the alleged dangers of water-power monopolies are, in fact, simply furthering the schemes of those who would establish a centralized Federal bureaucracy which would rob the people of the States of the right to control and regulate industries within their borders.

No one will go further than I to make clear State control over water-power development and the use and sale of electric current. So far as the irrigation States are concerned, this State authority and control has been generally clearly recognized. That is true of the State which I have the honor to represent on this floor.

If what we seek is a clear establishment and recognition of the right of the people to protect themselves from any threatened monopolies in connection with power development we shall have but little difficulty in arriving at an adjustment of our difficulties. Federal taxation of water-power development is certainly not in the interest of people who are seeking cheap power, and in the long run control of operations and of rates by a Federal bureau will not only lead to abuse and scandal but will necessarily shorten the power of the people directly affected in each case through their local courts and legislatures. As these are the provisions which the so-called conservationists are demanding, one is forced to the conclusion that this is but another effort to substitute the rule of Federal bureaus for the rule of the people.

This whole matter would be greatly simplified if all of the States would enact legislation, as the irrigation States have already done, clearly defining rights to the use of water, and would provide an administrative bureau, as we have in Wyoming, through which application to use the waters within the State for beneficial purposes might be made. Parties having acquired from the State a right to the use of water for power purposes, under a clear recognition of the right of the State to control, could very properly be granted by the Federal Government the right to erect dams under the general provisions of the dam act, coupled with the provision I have suggested as an amendment, making the authorization dependent upon full recognition of the right of the State to control in every way proper and necessary for the protection of the people. We now have such a system in Wyoming, so that if we had navigable rivers in our State the Federal Government could safely grant to those seeking to divert water for power purposes the right to erect dams, because such right could only be exercised by those who had secured the right to do so from the State and subject to its control.

Mr. HEFLIN. Mr. Speaker, I yield 15 minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, so far as the discussion of this bill has developed it does not appear there is very much criticism of the project itself, and, as a matter of fact, the project is not subject to criticism. Alabama has been knocking at the doors of this Congress for 40 years, asking you to improve the navigation of the greatest river in the State, and Congress in that time has repeatedly refused to improve it. Now, through the energy and patriotism of her own citizens she is making an attempt to have this river navigable without asking the Congress of the United States to foot the bill. It is footing the bill, however, in other States. Alabama is here to-day merely asking your permission that she may allow through her own charter, through a corporation regulated by her in the interests of her people, capital to come into the State and build dams across her own rivers in order that she may make them navigable and carry commerce to the seas. That is all there is of this project. There is no trust standing behind it. I know of my own knowledge that this proposition was offered to the General

Electric Co., and they refused to take it and build the dam. I know the men who promoted this. They are citizens of Alabama and men of good character. They could not float their bonds in New York. They could not get the General Electric Co. and its associate bankers of New York to help them, and they finally went to Canada and borrowed the additional money they needed to construct this dam, provided you allowed this bill to go through.

Now what they propose to do is to spend \$1,600,000 to help make this river navigable and allow the Government to use all the water it needs for navigable purposes, and then take the balance of the power created, not for the purpose of selling electricity for light or heat, but for the purpose of manufacturing cyanamid, or lime nitrogen, and fertilizer for the benefit of the farmers of Alabama and of the South. It is to create a cheaper fertilizer for the people of our State, and to make our own river navigable without costing the United States Government anything. Now, that is the proposition that is confronting you, and yet gentlemen say that there is a great trust that is confronting you; that you are giving away the resources of Alabama, a power that belongs to the people. My God, gentlemen, have not the people of Alabama a right to use their own resources when you will not do it? Have they not the right to convert this water that is running down this stream, and which has run down the stream for thousands of years, wasting it day by day, into fertilizer to improve our agricultural interests? That is what we are asking you to do. Now, as to the amendments, I do not think any man can controvert that this is an honest, clean, justifiable proposition. But they say if you grant them the right to build this dam you must do so under conditions. Now, so far as I am concerned, I assume that when the Government of the United States itself builds a dam, and by the expenditure of its own money creates a power, that that power belongs to the Government, and it can dispose of it as it sees fit. But, so far as the running water in the streams of the States are concerned, I deny the right of the United States Government to appropriate that water for any purpose except for the purpose of navigation. [Applause.] If you can demand the right to charge for the use of this water to run an electric dynamo, you can demand the right to charge for this water to run a steam engine. If you say you have the constitutional right when this water power is used to create an electric power and put a tax on it, then you have got a right to put a tax on this water when it is withdrawn from the running stream to go through an engine boiler and create electricity in that way. You have the right to put the tax on the water when it is withdrawn from the running stream to give water to your cities to drink and to wash with. If you have got a right to tax it for the one purpose, you have the right to tax it for another. And I deny your right absolutely to say to the people of my State that we can segregate this particular water in this particular stream and put a price on it.

But I do admit—if the gentlemen who are here as the guardians of the American people want to do something for them and say that the rights of the American people have been interfered with—that there is a just and a fair way for them to accomplish the result they have in view, and not to say that you have got to levy a tax upon a particular project—a project that the people can not protect themselves in. Why, do you know, my friends, that hundreds of years ago the rich Valley of the Nile belonged to the landowners; but in an evil hour they consented that certain satraps and rulers might charge them for the use of the water that was needed to irrigate their lands, and in the course of a hundred years the owner of the land became the peon of the man who held the right to tax the water?

These gentlemen here to-day are asking of this Congress that it grant to the Secretary of War the right to levy a tax on our people, a tax on the water that they use to create power, a tax on the water that they use to create industries. If you can do that, it will ultimately mean a tax on the water that they have to drink and live by. [Applause.]

Are you gentlemen prepared to say that you will give the taxing power that belongs to this Congress to the Secretary of War, to levy it on the rights and on the industries and on the very lives of your people? That is what you are asking us to do.

Now, if you want to be just, if you say that this great water power has been given to special interests, and has been appropriated by special interests, and that the people of the United States have not got their fair rights out of it, why do not you set about to accomplish the object you have in view in a constitutional way? You have the power if you want to tax this enterprise. Why do not you tax your own enterprises in your own districts? That is fair. If you want to tax the

man in the future, why do not you tax the man who has got the right in the past? There is not a man on this floor who does not know that any one of these gentlemen who desire to have the Government of the United States make the people of the States pay taxes for the use of a stream has got a constitutional right to introduce a bill into this House providing for an excise tax on dams. There is not one of these gentlemen but has the right to introduce a bill to levy a tax on every steam power that an engine produces. The Supreme Court of the United States, in the celebrated carriage case, upheld many years ago the right of levying a special excise tax.

Now, I want to say to you, Why should you tax the power that is created by a so-called navigable stream and exempt from taxation the power that is created by a stream that is not navigable? Why, I say to you right now that within 50 miles of the place where this dam will be built, or within 100 miles of it at the outside, are immense water powers that will be created on nonnavigable streams that do not have to come to this Congress to ask permission to build a dam, and those you will exempt from taxation for all time.

Now, what is the difference? Why should the people who get that water power go untaxed and you insist upon putting a tax on these other people? It is unjust; it is discriminatory; it is unfair. Why should you want to tax the man who wants to build a dam to-day and leave untaxed the man who built a dam yesterday? [Applause.]

Now, you, if you are honest, if you are fair, if you say the rights of the American people have been jeopardized in the past and that a great trust has taken away from them their rights and taken the right away from the people, why do not you introduce a bill and send it to the Committee on Ways and Means providing for an excise tax on every single kilowatt of power that is created by an electrical dam? You know you can do it.

Mr. ADAMSON. I will ask the gentleman to state right there if it is not the only clear and constitutional method that the Government shall impose all taxes uniformly?

Mr. UNDERWOOD. Exactly. The Constitution of the United States provides that the taxation shall be uniform, and that is the only way the people can protect themselves. You think to levy a tax, if you can do it constitutionally, by this indirect method; you seek to put it on one dam at a time, one place, where only a small community is interested; and if the great Federal Government has got the power, through its Secretary of War, to levy a tax, how much injustice can you do them? You can oppress them. You can destroy them. But when you make the tax uniform, when you exercise the power of taxation on every dam in the United States, old and new, then the Representatives of the people of the United States here will all be sufficiently interested to see that abstract justice shall be done.

There is no trust concerned in this proposition. But gentlemen complain and say that there are trusts that have grabbed these sites and taken away the rights of the people. If that is so, why should they want to tax this proposition and not level their law at the face of the trust that they complain of? Here is their opportunity. There is the box through which bills are introduced in this House. It will take half an hour to write a bill providing for an excise tax on the kilowatt power and the horsepower of the dams that you say are owned by trusts. Now, if you are fair about it, if you say they have got something from the American people to which they are not entitled, and that they should bear a portion of the burdens of this Government, to be distributed in any way you want to, put your bill in the box and let every man stand on the same basis, and do not let the men who have already grabbed this power in a way which you say is unjust—I do not know whether it is or not—do not let them escape, but let every man stand on the same basis. [Applause.]

Mr. FOSTER. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has 12 minutes.

Mr. FOSTER. I yield four minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I can not undertake in four minutes to discuss adequately a question of this magnitude, but I am not willing to accept the proposition just made by my distinguished friend from Alabama that the only way in equity to deal with this question is to levy an excise tax on all the water power of America. If you analyze that, it comes down to this proposition, to use an analogy, that we ought not to impose conditions upon the disposition of the public domain unless we at the same time provide for similar conditions on land the title of which belongs to the States. And yet that has not been the policy of the Government in the past and, I take it, will not be the policy of the Government in the future.

When you strip this whole question of all the fine-spun distinctions that lawyers undertake to make, you have this plain proposition, that men come to the Federal Government asking a grant. Now, it is clearly within the power and the province of the Federal Government in making that grant to put conditions upon it; and it does not answer the question to say that the way to deal with the matter is by taxing previous monopolies. The way to prevent future monopolies is by putting conditions on the grant such as will prevent the creation of a monopoly, and that is the proposition that we confront here.

I do not profess to argue the facts of this particular case, but I do submit to the House of Representatives that we can not afford to deal with this great question of water-power grants according as each particular case is presented by the advocates of such particular grant. What this House owes to itself and owes to the country is a consideration of the question in all of its aspects, and the enactment of a general law touching water-power grants.

We hear a great deal about State rights. I doubt if there has been any man in this Congress who has been more solicitous for the rights of the States than I have been, but I occasionally lose a good deal of my belief in State rights when I find they are made the refuge for individual privilege. [Applause.] I hold that when the power rests in the Federal Government to give a grant, it owes to give it upon conditions of equity to all the people of America.

It is not true that this river belongs to the State of Alabama. The river is in the State of Alabama, but it does not belong to that State. The power that can be generated there by virtue of a dam on this navigable stream does not belong to the State of Alabama. The gentleman says, What is the difference between that and water power developed on nonnavigable streams? That is very plausible, and yet the gentleman knows, and every student of American history knows, that there are many matters that fall arbitrarily within the domain of the Federal Government and others that fall arbitrarily within the domain of the State governments. And the fact remains that under the laws that we live under the navigable streams are within the exclusive jurisdiction of the Federal Government. If it were not true, do you suppose that gentlemen would be coming here and asking a grant? They come here because they must come.

Mr. UNDERWOOD. This portion of the Coosa River is entirely within the State of Alabama. If a crime were committed in the middle of that river, does the gentleman contend that the Federal Government would have jurisdiction of it? It has no jurisdiction in the world.

Mr. SHERLEY. I am glad to have the gentleman ask that question, because it illustrates the arbitrary jurisdictions that exist.

Whether they ought to have existed or not they do exist, and the fact is that the control of navigation belongs to the Federal Government. The Kentucky River rises in Kentucky and flows only through Kentucky and empties at the border into the Ohio River. There are propositions for water-power sites all along the Kentucky River created by virtue of dams that have been built to help the navigability of the stream. In my judgment such power does not belong simply to the State of Kentucky, but it is not so much a question of whether it belongs to a State or to the Nation; it is a question whether you shall put conditions upon it which will guarantee the people the proper use of such water power. [Applause.]

Mr. FOSTER. Mr. Speaker, I yield to the gentleman from Illinois six minutes.

Mr. RAINY. Mr. Speaker, I regret exceedingly that I can not support this bill. It is being advocated on the floor by my colleagues on this side of the House and by my very best friends, but I have never voted for a bill of this kind in this House which did not provide for the protection of the consumers, and which does not provide for tolls to the National Government, and I can not vote for a bill which does not contain these provisions. We have never had an opportunity until now to raise that question in this House. Bills have gone through in the past without containing this provision, but none of them have ever received my vote. Only a small part of the water-power possibilities of the United States has as yet been given away in this manner. If we have made errors in the past—if we have adopted an improper policy—that is no reason why we should continue that policy into the future years. I hope some way can be found to compel these companies now operating power propositions on our rivers to regulate their prices to consumers and to pay the tolls they ought to pay to the National Government.

Mr. Speaker, I am not in accord with those of my friends in this House who insist that States can prevent water-power

monopolies. It is impossible to prevent water-power monopolies. It never has been done, it can not be done in the future, and it never will be done. In the very nature of things a water-power proposition that is profitable and useful is a monopoly, a natural monopoly. It is necessary to hook together these various propositions in the same section to make of them a monopoly, in order to make them of real service, in order that certain storage pools may be full, upon which the company can draw, in order that at certain times in the afternoon what is known as the peak of the load can be carried in all factories served by the various water powers united in certain localities.

But you can not make hydroelectric propositions compete. In the very nature of things they do not compete. But you can make them regulate their charges to consumers, and you can compel them to pay tolls to the Government. The very fact that they come to the National Congress asking for permission to build the dams, the fact that they can not build them without our consent, gives us the right to impose conditions on the consent we grant to them.

This proposition has merit that other propositions pending on the calendar of this House do not possess. Many of the propositions pending that we are required to pass upon are evidently speculative in their character, because the corporations and individuals asking for the franchises can not possibly build them; they can only accomplish what they claim they want to accomplish by transferring the franchise at a profit to some other larger company. That is not true with reference to this proposition. The Alabama Light & Power Co., which will furnish this capital, so far as I know, is not connected with the six great water-power aggregations in the United States. It is not a monopoly. It has this advantage, it is not asking for this franchise for the purpose of transferring it to anybody else. It is asking for this franchise for the purpose of building this dam itself in this river, and it will build this dam. In that particular it possesses merit which many of these other bills do not possess. It will build up a great industry. There is no man denies that it will improve this important river. It is something we ought to have, but we can not stop at the beginning of this fight and give to this company something it ought not to have if we are to enter upon the policy of conservation which is being so widely discussed and so widely favored throughout the country.

The reason this company is not connected with any great water-power group in the United States is due to the fact that it is a Canadian company. The Alabama Traction, Light & Power Co. owns all the stock of the Alabama Power Co. It is a \$30,000,000 proposition, capitalized and controlled by a company in the Dominion of Canada, and some of its stockholders, I understand, live in England. We are, therefore, asked here to give away this river, with its tremendous possibilities, to a group of Canadian capitalists and let them go down there and make just as much money out of this as they please and charge to the citizens of Alabama just as much as they please and pay no tolls to the National Government.

I yield to no one in my advocacy of the improvement of our rivers. They ought to be improved. The time has come to do it. Improved rivers will furnish to railroads the only competition they can ever have, but in order to do it I am not anxious to give away to groups of American capitalists the right to exploit our rivers and I am still less anxious to give away valuable franchises to a group of Canadian and English capitalists.

In the United States hydroelectric power is produced and marketed at from \$19 to \$28 per horsepower and in many places even higher charges than that are made. In Norway and Sweden from \$4 to \$6 per horsepower is charged consumers. In the Dominion of Canada tolls of \$2 per horsepower are exacted from companies operating power plants and the price of hydroelectric power to consumers is regulated. It is safe to say that in no other great commercial nation in the world are water-power companies granted the privileges that are granted to them here. The production of hydroelectric energy is regulated by all the most advanced nations in the world except the United States.

It costs more per horsepower to install a hydroelectric plant than it does to install a steam plant, but after that the rivers, running on forever, furnish the power that can be converted into electric energy and sold without appreciable loss two or three hundred miles away. It is safe to say that in any part of this country where there are declivities in rivers hydroelectric power can be generated and sold at \$12 per horsepower and, after allowing for interest on the investment and depreciation of the plant, the owners of the stock in that enterprise can divide every year at least 10 per cent on the amount of cash invested therein.

There is no way of regulating the price to consumers of electric energy except by the State or the National Government.

The States have tried it and have failed everywhere. The power ought to be reserved to the National Government to regulate prices to consumers. This can be done now better than at any other time—now when we are giving away these franchises. The National Government is called upon to maintain our rivers. No section of the country makes greater demands per capita upon the National Treasury than the Southern States, where nearly all of the power propositions for which franchises are sought at the present time are located.

We expend money from the National Treasury—millions of it every year—for the lower Mississippi River, for the harbors of the South, for the improvement of the rivers of Alabama, Tennessee, Arkansas, and these other States where these franchises are sought. Can it be argued with consistency on this floor that the National Government must continue its policy of improving the rivers which connect the interiors of great States with the sea and at the same time give up to private companies and to individuals the right to take from our navigable rivers within the States enormous profits, without contributing tolls to the National Government, to be used by the National Government in improving the very rivers upon which these plants are to be located and other waters connected therewith? The Southern States make demands upon the Treasury for millions of dollars to fight the boll weevil and other pests. The National Government even maintains throughout the South levees along the Mississippi River—something it does for no other section.

The power possibilities of our rivers, no matter where they are located, belong to the National Government. They are as much a part of our national assets as is the public domain or the coal fields of Alaska. It will be as unpopular in the years to come to monopolize them, to turn them over to private interests, without compensation to the Government, as it is now unpopular to absorb the coal lands of Alaska.

The Senate committee has submitted, for the enlightenment of the House, a report to accompany this bill—a characteristic report, a meager report, as all these reports are, whether submitted by the Committee on Commerce of the Senate or the Committee on Interstate and Foreign Commerce of the House. The report which accompanies this bill for the enlightenment of the House is simply this: The committee says that having considered the same, it recommends that it pass. There is absolutely nothing else in the report, which contains less than two lines of printed matter. A more voluminous report, giving the facts the House and the Senate ought to have, might have resulted in the defeat of this bill.

This bill seeks to give to the Alabama Power Co. the right to construct these dams. The Alabama Power Co. is an Alabama corporation, but its stock is owned—all of it except just enough, perhaps, to give it a status in Alabama, two or three shares—by the Alabama Traction, Light & Power Co. (Ltd.). This is a Canadian company, organized on the 5th day of January of this year under the laws of the Dominion of Canada.

The prospectus it has issued recently shows that it owns or controls the entire capital stock or bonds of the Alabama Power Co. and its subsidiaries. It controls several important power companies in Alabama. This Canadian company was formed for the purpose of supplying electric energy to all the important cities and towns in the State of Alabama and also to acquire and operate tramway systems in the State of Alabama.

The Birmingham, Montgomery & Gulf Power Co. and the Muscle Shoals Co. possess a charter granted in 1900 by the State of Alabama, unlimited in time, and not forfeitable for nonuse. This charter gives these companies the right to build plants and dams on the Tallapoosa River and its tributaries. It is given the right of eminent domain. It can acquire controlling interests in any electric railroad or electric-light company in Alabama and can exercise all the powers belonging to manufacturing companies under the Alabama law, and it is exempt from taxation for 10 years from the commencement of its works. In view of such facts as these, it is nonsense to talk about the ability of the State of Alabama to control its corporations.

At the present time the capital stock of all these companies I have mentioned is owned by this Canadian company. In other words, the power possibilities in the State of Alabama, so far as the State of Alabama has been able to control them, have been turned over absolutely to the tender mercies of an alien corporation—a \$30,000,000 corporation. This corporation now controls power sites in Alabama, along the Tallapoosa, Coosa, and Tennessee Rivers, capable of developing 400,000 horsepower for 10 hours daily during the driest season ever recorded in that State.

In other words, this company, which is to be favored by this proposed legislation, already is in a position to exact tribute from consumers in the State of Alabama and adjoining States

of \$8,000,000 per annum, computing the electric power it can develop and sell at \$20 per horsepower. This company can develop hydroelectric power there, pay \$2 per horsepower to the National Government as tolls, charge consumers less than \$12 per horsepower, and make more than 10 per cent on its invested capital after allowing the proper deductions for depreciation. In addition to this, it can pay interest at the legal rate on its entire investment, and the 10 per cent it could distribute will be absolute profit each year. In other words, this company, under the franchises it has already acquired, could distribute in profits 10 per cent per year after paying \$2 per horsepower tolls to the National Government and after paying for depreciation of plant and interest on the investment and still charge consumers about half as much per horsepower for electric energy as they will be able to charge unless the National Government in some way can regulate their charges; and it is proposed to give them this additional asset without tolls to the Government and without reserving the right to regulate cost to consumers.

It is to be hoped that no more of these bills can become laws. The advanced position taken by the Secretary of War and by the President of the United States makes it impossible, even if this House by a slight margin should pass this bill, for its promoters to ever hope that this tremendous national asset can be delivered up to any company, least of all to a foreign corporation. An awakened public sentiment in the near future will make it impossible for the people of this country to permit further diminution of our national assets. Too many Members of this House are trying to find methods of taking money from the National Treasury; too few of them are earnestly endeavoring to provide revenues for the Government. We have passed corporation tax laws through this House and excise laws; we are trying to protect our forest reserves and our coal lands from exploitation by unscrupulous corporations and individuals, and the people of this country will demand in no uncertain tones in the near future that this House, intrusted with the protection of our national resources, shall discharge its full duty and extend to all of our resources that character of conservation which is consistent with the advanced ideas of the present century. There is no national asset so valuable and so important as the power that can be developed in our rivers and which belongs not to those who may desire to exploit it and reap tremendous profits, but to the whole people of the United States, who have the right to demand that it shall be sold at reasonable prices and that the National Treasury shall receive its share of the proceeds.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Speaker, I ask permission to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. CLAYTON. Mr. Speaker, I make the same request.

Mr. KENT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentlemen from Alabama [Mr. BURNETT and Mr. CLAYTON] and the gentleman from California [Mr. KENT] ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] has one minute and a half remaining.

Mr. FOSTER. Mr. Speaker, I could not go into a discussion of this question in a minute and a half, and I shall not attempt to do so. I take it that if this bill passes as it comes from the Senate the President will send back a veto of it, which he ought to do, and I hope that he will have the courage to veto a bill which does not conserve the rights of the people. [Applause.] The gentleman from Alabama [Mr. UNDERWOOD] and others—and no doubt it will be said by the one who may speak next—say that this is for the great purpose of helping out the farmers of this country with a cheaper fertilizer. I would suggest, if this be the object of securing this water-power right, that they should submit to an amendment which would provide—

That whenever the said corporation shall cease to manufacture air nitrate fertilizer, known as calcium cyanamid, this permit or grant shall become null and void, and all right and title to said dam and property located therein belonging to said corporation shall become the property of the United States.

Mr. Speaker, if they are so willing and so anxious to have it for that particular purpose I am sure they would submit to an amendment which would provide that they must keep up their contract for which they are claiming the right to put up

this water power at this particular place. This side of the House only a short time ago stood upon this floor as one man saying to the Secretary of the Interior at that time that we proposed to stand by the resources of Alaska and that no grants or rights should be given there which take away the power of the people to control. Are you upon this side to-day upon this great question going to stand here and vote for a proposition which may become just as bad as that in Alaska?

These water powers should be developed, and I hope they will, but I do not propose to be swerved from my course to do what is in my power to protect the rights of the people. This is not a local question, but one that affects the people generally. The claim is absurd that it is only a matter that concerns the district of any one particular Representative. We are not here to give away these valuable franchises for nothing and without any right to regulate the same. I hope that the Members on this side of the aisle will stand for the rights of the people on this question. We have always claimed to stand for the people and for their rights; let us not fail to do so now.

Mr. HEFLIN. Mr. Speaker, I have listened to the speech of the gentleman from Kentucky [Mr. SHERLEY], and he reminds me of what the old justice of the peace said about his member of the legislature. They said to him, "Bill made a good speech to-day, Uncle Johnnie," and he replied, "Yes, by gosh, old Bill can speak just as good on one side as he can on the other." [Laughter.] So the gentleman from Kentucky is always earnest and eloquent and speaks well, even on the wrong side. I regret to see him standing in the way of industrial development in the South. The southern farmer must now pay freight charges of \$4 per ton for all the nitrate of soda that comes to him from Chile or Canada, and I regret to see the gentleman from Kentucky lining up with the gentleman from Illinois [Mr. FOSTER], who feels, I fear, that he is called upon to represent every district in the United States. [Laughter.] And then there is my dear old friend BEN HUMPHREYS. [Laughter.] He comes from the home of Sargent S. Prentiss. He hails from Mississippi, but, Mr. Speaker, I am uneasy about him. The theorists and doctrinaires of new nationalism have given him a dose of something and they called it conservation, and, in his effort to conserve something, he is making the mistake of going through the door of the Federal Government when he ought to resort to the State. So the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Illinois [Mr. FOSTER] and the gentleman from Mississippi [Mr. HUMPHREYS] may be freely forgiven upon the theory that they know not what they do. [Laughter and applause.]

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

Mr. HEFLIN. Oh, I have not the time to yield now.

Mr. Speaker, I hold here a report from the Chief of Engineers and Mr. Taft when Secretary of War, and here are some of the things it says:

In connection with legislation of this kind (damming a river) careful consideration should be given to the question of the limitations of the power of the Federal Government over navigable waters, regarding the proposition to empower the Secretary of War to authorize the use and development of water power at localities not improved by the United States. It should be borne in mind that natural water power—that is, power made available by the existence of natural falls and rapids in a river—is appurtenant to riparian ownership, and the right to use it is governed by State laws on the subject of private property as above set forth. The Federal Government can regulate it and control it only to such extent as may be necessary in the interest of navigation.

It agrees entirely with my contention. What does the gentleman say to that doctrine? When I speak of State rights I am not talking about the things that divided us in the sixties; I am talking about the doctrine that no section has ever denied—the doctrine that Lincoln stood for, that Jefferson Davis stood for, that Jefferson and Jackson and Grant and McKinley and Cleveland stood for. It is as old as the Constitution itself—the doctrine that the State has powers that can not be exercised by the Federal Government. [Applause.] Mr. HUMPHREYS offers an amendment that is in the very teeth of the Constitution. No court can fix rates to be charged by any concern, and yet the gentleman has said in his amendment that under certain conditions the courts shall fix the rate. His amendment is unconstitutional. I appeal to the gentleman from Illinois [Mr. MANN], who is the author of the general dam act, to aid us in defeating this amendment. Permits have been granted under the provisions of the general dam act, and why not allow us to dam the Coosa under the same provisions?

The SPEAKER. The gentleman desired to be notified when he had only six minutes remaining. He has six minutes.

Mr. HEFLIN. I want to remind gentlemen that the Government has built three dams on the White River, in Arkansas, and it has offered the horsepower for sale. It started out demanding \$10 per horsepower. Nobody made a bid. It came

down to \$5, and nobody made a bid. It came down to probably \$1, and the power still goes begging; nobody is purchasing that power. In the report upon this bill the Chief of Engineers says that it is very probable that the development of the Coosa for navigation will not be made without the aid of some water-power company, and yet gentlemen stand in the way of this movement of so much interest to us and of so much benefit to the river for navigation purposes. Sixty-four thousand dollars a year of interest on the money expended building this dam at 4 per cent means \$6.48 per horsepower.

If you divide that \$1,600,000 by 50 years, there is \$32,000 a year for the use of this little strip of river now singing the song of wasted strength as it rolls its way to the sea. [Applause.] And gentlemen talk about conservation. Now, what is a conservator? One who protects from injury. Are we injuring the river? No. We are improving it for navigable purposes and at the same time utilizing the power of that river, now serving no purposes and going to waste. That is what we are doing, Mr. Speaker. Conservation and preservation. For what? For useful purposes. Are we undertaking to do that? Most assuredly we are; but some gentlemen here are planting themselves in the way of the development of this river in my district. Mr. Speaker, I recall an occasion in this House when Senator BURTON, of Ohio, a Republican, then a leading Member of this House, had a bill providing for the construction of a public building in his district. It provided that it should be built of granite, and the sandstone people wanted it built of sandstone. Mr. BURTON said, "I ought to have the right to say of what material it shall be built; it is in my district." Some of his own colleagues turned against him. I took the fight up on this side, with other gentlemen here, and I said the matter pertained to Mr. BURTON's district and outsiders had no business running their noses into it and depriving a Representative of his rights upon this floor. [Applause.] We voted with him. We saved the day; and Democrats and Republicans stood here and saw to it that Mr. BURTON was allowed to represent his district. But we have gentlemen here who talk about a dam site, and every time they hear of a dam site or see a dam-site bill they throw a fit. [Laughter and applause.] My friend from Illinois [Mr. FOSTER], my friend from Mississippi [Mr. HUMPHREYS], and my friend from Wisconsin [Mr. COOPER] all look cross-eyed every time they hear of a dam-site bill.

They remind me of the fellow who was treated for the drink habit.

Old Uncle Jerry, in telling the story, said: "Old man Jimmie Simpkins's boy tuck powerfully to lick a while back and the old man tuck the guts of three green gourds and a double handful of green tobacco stems and boiled them down to a simmering stew. He then strained the juice into a glass, give it to his boy on his empty stomach early in the morning."

"Well, what became of him?" was the inquiry. The reply was, "Oh, he is doing fairly well now. He is getting to where he can drink a little water biled on the white of an egg and eat a snowflake cracker if it is browned and powdered good, and give to him in a spoon, but when we exercise him we have to blindfold him, for the mere sight of a tobacco patch or gourd vine sets him to vomiting again. [Laughter.] And they can't tell yet whether his relishment for lick is gone or not." [Laughter and applause.]

Mr. Speaker, every time these gentlemen hear of a dam site, or see a dam-site bill, they are miserable, they suffer in the flesh, and hereafter when we exercise the gentleman from Mississippi [Mr. HUMPHREYS] and the gentleman from Illinois [Mr. FOSTER] we will have to blindfold them, because the mere sight of a dam-site bill sets them to heaving and sighing and we can not tell yet whether their relishment for representing all the districts in the United States is gone or not. [Laughter and applause.]

Then, Mr. Speaker, the gentleman from Illinois [Mr. FOSTER], the self-selected Member from the Nation at large [laughter], the astute and self-constituted guardian of every district in the United States [laughter], drew his little legislative blade, and cutting the air as he came [laughter], rushed recklessly into the arena to defend his people against the calamity that would overtake them if Congress should grant a permit to dam the Coosa. [Loud applause and laughter.]

Then, Mr. Speaker, I saw the gentleman from Wisconsin [Mr. COOPER], with an air determined and resolute, rise and lean forward, eager to hear all that was being said about building a dam across the Coosa River, down in my district. I could see his nostrils distend with indignation [laughter] and his eyes flash with the fire of serious concern [laughter] as he contemplated the outrage about to be perpetrated upon his people by the building of a dam across the Coosa River, way down in Alabama, in my district. [Laughter.] Then I could hear his big heart

beating with fury as he expressed in lurid language his opposition to the construction of a dam across the Coosa River [laughter], and as he took his seat I could hear wailing and gnashing of teeth amongst his constituents in far-away Wisconsin. [Laughter and applause.] Then I seemed to hear his terror-stricken constituents say, "What will become of us and ours? Who will keep the wolf from the door—who will shelter us in time of storm if they dare to dam the Coosa River?" [Laughter and applause.] Then they lifted up their voices and shouted in unison with the gentleman from Wisconsin, "You may dam the Ohio and dam the Tombigbee, you may dam the Hudson and dam the Tennessee, and you may dam the Mississippi, but dam the Coosa—not by a dam site." [Loud laughter and applause.]

Mr. Speaker, if the men who have grown gray in the service of their States and through their States have contributed to the strength and glory of the Republic could witness the effort of gentlemen here to encroach upon the reserved rights of the State by demanding that the Federal Congress shall prescribe rules of conduct for and demand toll from a local enterprise in a sovereign State, they would shake their hoary heads in sadness and admonish these gentlemen to venture not upon this dangerous road of new nationalism. [Applause.]

If the men in middle life who glory in the traditions of Bunker Hill and Yorktown, who still cling with love and loyalty to the principles of the Constitution, could witness the effort of zealous but misguided conservationists to deprive the State of rights and powers vouchsafed unto it by the founders of the Republic—aye, if the young men, the hope of the country, the thoughtful students of our system of State and Federal Government, could witness this effort to strip the State of its just powers and leave it a useless, meaningless thing in what is now the household of sovereign States—they would all exclaim, "This does not mean conservation, but it means damnation to the wisest and best system of State and Federal Government ever devised by the genius of man." [Applause.]

Mr. Speaker, upon the exercise of the virile strength and sovereign power of the State depends the strength and well-being of the Republic. Destroy the State and you destroy the Republic, for—

When the stem dies the leaf that grew
From out its heart must perish too.

[Applause.]

Yes, Mr. Speaker, some of these theorists and doctrinaires of new nationalism are confounding the powers of the Federal Government with those of the State, and in their misunderstanding of what real conservation means they have allowed themselves to stand in the way of industrial development and to hinder and delay the great work of navigation. Of all the horsepower in the navigable streams of my State none has been developed; and now, Mr. Speaker, we seek to harness power going to waste at lock 18 on the Coosa River.

Mr. Speaker, the dam at Lock 18 will be built without expense to the Federal Government. It will be a distinct and tremendous aid to the Federal Government in its work to make the Coosa River navigable. It is in the interest of a legitimate and much-needed enterprise. It will be the means of establishing and operating the first plant for manufacturing atmospheric nitrogen in the United States, and will result in the furnishing to our farmers cheaper fertilizers.

Now, Mr. Speaker, I submit to this House that instead of hampering and discouraging this project Congress ought to encourage it, and welcome the opportunity to have this dam built without expense to the Federal Government. The only question that concerns the Federal Government is the question of navigation. The regulation of the conduct of the Alabama Power Co. is a question for the State of Alabama to determine. The Federal Government should rejoice in the fact that it has been relieved of the expense and responsibility of improving the Coosa River at Lock 18, that the river has been made navigable there by the enterprise and at the expense of a local corporation. It is the purpose of the Alabama Power Co. to build and operate a nitrogen plant at Lock 18 on the Coosa River. The manufacture of nitrogen in Alabama would be a great blessing to our people, and the electricity generated at the power plant at Lock 18 will light up the homes, the villages, and the cities along the Coosa River. This electricity will not only be used for lighting purposes, but for power purposes in various ways.

As Benjamin Franklin brought lightning from the clouds and was the means of making it the obedient servant of man's will, man's inventive genius has devised ways and means of extracting nitrogen from the air. The Alabama Power Co. proposes to manufacture at Lock 18 atmospheric nitrogen. Our farmers now have to go to Chile or to Canada to buy nitrogen,

and they spend millions of money in freight rates. The cotton growers of the South will hail with delight the time when their nitrogen supply will be manufactured in the cotton belt, when the output of the local plant will be the means of leaving in their pockets millions of dollars now paid out in freight charges on nitrogen coming from Canada and Chile. [Applause.]

The question is, Shall we invite capital to come and aid us, capital encouraged and controlled by State laws in the development of a local power plant, or shall we postpone this development, lose this opportunity to aid navigation and keep capital out of the State because of foolish and unauthorized Federal restriction? [Applause.]

Permit the Alabama Power Co. to build this dam across the Coosa River and establish this nitrogen plant and you have not only aided navigation and advanced the cause of industrial development in Alabama, but you have contributed to the comfort, happiness, and prosperity of our people. [Applause.]

I repeat, this bill is in the interest of industrial development in the State of Alabama. It is in the interest of navigation, and the Alabama delegation is united in the support of this meritorious measure, and I beg you gentlemen to vote for my bill. [Loud and continued applause.]

Here is a copy of my bill:

A bill to authorize the building of a dam across the Coosa River, in Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka.

Be it enacted, etc., That the Alabama Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, are authorized to construct, maintain, and operate a dam across Coosa River, in the State of Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Now, Mr. Speaker, my time has expired and I desire to print in this connection certain papers and documents.

(Circular No. 14.)

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 4, 1905.

The following report on a bill introduced and considered at the third session of the Fifty-eighth Congress is published for the information of officers of the Corps of Engineers in charge of river and harbor works, it being thought that the important legal propositions discussed and a knowledge of the department's position regarding the subject matter may be of interest and value:

WAR DEPARTMENT,
January 17, 1905.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the accompanying report of the Chief of Engineers, United States Army, of yesterday's date, and to drafts of bills therein referred to. The report seems to me to be very comprehensive, accurate, and instructive.

WM. H. TAFT, Secretary of War.

3. In connection with legislation of this kind careful consideration should be given to the question of the limitations of the power of the Federal Government over navigable waters. By virtue of its power to regulate commerce, Congress may exercise control over the navigable waters of the United States, but only to the extent necessary to protect, preserve, and improve free navigation. The Federal Government has no possessory title to the water flowing in navigable streams, nor to the land comprising their beds and shores, and hence Congress can grant no absolute authority to anyone to use and occupy such water and land for manufacturing and industrial purposes. The establishment, regulation, and control of manufacturing and industrial enterprises, as well as other matters pertaining to the comfort, convenience, and prosperity of the people, come within the powers of the States, and the Supreme Court of the United States holds that the authority of a State over navigable waters within its borders, and the shores and beds thereof, is plenary, subject only to such action as Congress may take in the execution of its powers under the Constitution to regulate commerce among the several States.

6. Regarding the proposition to empower the Secretary of War to authorize the use and development of water power at localities not improved by the United States, it should be borne in mind that natural water power—that is, power made available by the existence of natural falls and rapids in a river—is appurtenant to riparian ownership, and the right to use it is governed by State laws on the subject of private property. As above set forth, the Federal Government can regulate and control it only to such extent as may be necessary in the interest of navigation.

A. MACKENZIE,
Chief of Engineers, United States Army.

On pages 27 and 28 of the same report, as follows:

It is evident that the deposits of nitrate outside of Chile, barring new and not very probable discoveries, possess a purely local and transient importance. They have no bearing upon the world's problem.

The world's demand for nitrogen is rapidly increasing. This demand can be met in four ways, as follows:

First. By a temporarily increased supply of saltpeter from deposits, soon, however, to be exhausted.

Second. By an increased supply of ammonia as a by-product of coal and peat, dependent on a general reform in the use of these materials as fuel and limited by the extent to which they may be used as sources of light and heat, and limited further, in point of time, by the world's supply of fossil fuel, with a possible exhaustion within a few centuries.

Third. By the closest economy in preserving all waste forms of combined nitrogen, vegetable or animal, so that they may be utilized as plant food.

Fourth. By the technical transformation of atmospheric nitrogen into combined forms available for the needs of agriculture and the arts.

Mr. Speaker, I will extend my remarks and say: The first source and supply for meeting the demand for nitrogen is controlled by the London nitrate kings, who have the most complete monopoly in the world. To vote against this bill is to vote in favor of this monopoly, whose imports of Chilean nitrate of soda into the United States annually now amount to \$14,000,000 yearly, and a vote against this bill is in favor of this monopoly which, during 31 years, beginning from 1879, has placed a tax upon the industry and agriculture of the world of \$425,000,000 paid to Chile, the Chilean export duty being \$11.16 per short ton.

The second chief supply is that of ammonia, a by-product from the manufacture of coke, and this by-product, ammonium sulphate, is controlled by the United States Steel Corporation, which has almost a complete monopoly, receiving for this by-product over \$3,500,000 annually. To vote against this bill is to vote in favor of the steel corporation's monopoly in the production of ammonium sulphate as a fertilizer, and is to vote for the interest of the United States Steel Corporation and against the interest of the farmers of this country.

The third supply, as above, comes largely from the waste products from slaughterhouses of the Beef Trust, and this is animal nitrogen, and to vote against this bill is to vote in favor of the monopoly of animal nitrogen by-products at the slaughterhouses of the Beef Trust.

The fourth way is the transformation of atmospheric nitrogen into a fertilizer, in this case calcium cyanamid, to be manufactured from the power created by the building of this dam if this bill is passed, and to vote for the bill is a vote against all of the monopolies described, and to vote for this bill will be in favor of the use of the nitrogen in the atmosphere as a fertilizer, the supply of which is inexhaustible and going to waste, as the power in the water of the Coosa River at Lock 18 is going to waste by nonuse, and to vote against this bill is to vote against the conservation of these natural resources created by God for the use of mankind and not to go to waste by nonuse.

To vote against this bill is to vote against the express wishes of the farmers of Alabama, who, through the legislature of the State, passed every necessary law to regulate power companies, and also, in order to secure the manufacture of lime nitrogen in Alabama, passed laws exempting water-power companies and calcium-cyanamid companies from taxation for a period of 10 years from the time of beginning the construction of such plants. Will Congress deny Alabama's farmers the right to have a dam built in the Coosa River under the law passed by Congress for the express purpose of allowing the building of such a dam? It is unbelievable, it is unthinkable, it is inconceivable that the House will refuse to pass the bill as it is now written.

WASHINGTON, D. C., August 22, 1912.

HON. J. THOMAS HEFLIN,

House of Representatives, Washington, D. C.

DEAR MR. HEFLIN: Referring to the questions you asked me in person regarding the Alabama Power Co., its purposes and intentions, on the Coosa River, in Alabama, I beg to say:

The Alabama Power Co. was organized under the laws of the State of Alabama by a few Alabama friends and myself as a part of our well-known efforts, covering over a period of almost a quarter of a century, for the improvement of the Coosa River. After a long and tiresome undertaking we not only succeeded in interesting some splendid capital in the development of power on the Coosa River at Lock 12, but we also succeeded in interesting the American Cyanamid Co. in locating a large plant on the Coosa River, in Alabama, for the manufacture of an air nitrate fertilizer, known as calcium cyanamid, the particulars of all of which are set out very fully in a letter by Mr. J. W. Worthington of date July 3, 1912, attached to the report of the Senate Committee on Commerce on Senate bill 7343, and to which I beg to call your especial attention.

The Alabama Power Co. owns the power development at Lock 12, on the Coosa River, Ala., and is now at work building its dam for the development of power at this place, and for which we obtained the consent of Congress several years ago. The power plant at Lock 12 will develop, when complete, 10,000 continuous 24-hour horsepower. The Alabama Power Co. made a contract with the American Cyanamid Co. for 14,000 24-hour horsepower, to be used for the manufacture of the nitrate fertilizers, therefore, the development of power at Lock 12 will be insufficient to supply the needs and demands of the cyanamid company, to say nothing of the power that may be desired for other purposes, hence it is that the Alabama Power Co. is now asking a grant for the privilege of building a dam at Lock 18 on said river. The contract made with the American Cyanamid Co. is conditioned that the Alabama Power Co. succeed in getting a grant for the building of a dam at Lock 18, as contained in Senate bill 7343; hence you can realize why we are so anxious that this bill pass at the very earliest moment possible.

In our efforts to finance the Alabama Power Co. we tried for quite awhile to raise the money with which to make the development at Lock 12 in this country, but were unable to do so. We then took the matter up with foreign capitalists, and finally succeeded in interesting English and Canadian capital in the undertaking. Before going into this undertaking, however, these people examined the laws of this country bearing on this subject, both State and United States laws, and the money was raised with the expectation of being governed by the general dam laws of the United States as they now stand; hence any amendments to the bill from the way it passed the Senate would probably be fatal, and I trust that Congress pass Senate bill 7343 just as the same is now pending.

Kindly bear in mind this is not a promoting or speculating scheme; we have the money, and are now at work at Lock 12, and if the bill

passes granting the Alabama Power Co. the right to build a dam at Lock 18 work will be commenced at this development within 60 days. Work will also be commenced in due time on the Cyanamid Co.'s plant, as the money is all ready now for its construction.

I hope you will also bear in mind that by the construction of these two dams proposed by the Alabama Power Co. they will save the United States Government, in its plans for the improvement of the Coosa River for navigation, \$1,622,000 at each dam, making a total saving to the Government of \$3,244,000 on the two dams, which, at 4 per cent interest, would be equivalent to a royalty of \$6.42 per horsepower per annum.

There are quite a number of Alabama stockholders in this undertaking, and in which they are all very much interested, and not only that, but all Alabama is very vitally interested in seeing that these developments are carried through.

As for my record for the improvement of the Coosa River for the past quarter of a century, I herewith hand you several booklets and memorials touching on this subject which I had the honor of compiling, and to which I refer you.

Hoping the bill now pending will have the favorable consideration to which it is so justly due and that it will promptly pass the House and become a law, and with kindest personal regards, I am,

Very truly, yours,

W. P. LAY.

CONSTITUENTS AND RELATIVE VALUE OF CYANAMID.

The principal facts about cyanamid can briefly be told. It is a nitrogenous fertilizer whose ammonia is derived from the atmosphere. The available ammonia content is 94.4 per cent, the highest of any form of commercial ammoniates, as is shown by Bulletin No. 56 of the United States Department of Agriculture. The ammonia content is not volatile, being a trifle slower than sulphate of ammonia. It has the special quality of aiding plants to withstand droughts, and rains do not waste it. The results of fertilizing tests made with cyanamid by 37 Government experiment stations in Europe on all kinds of crops and covering a number of years show that it has a higher fertilizing value per unit of ammonia than either saltpeter or sulphate of ammonia, the relative values being: Sulphate of ammonia, 97; Chilean saltpeter, 100; and cyanamid, 105. The free lime content of cyanamid will be entirely eliminated in the United States, in deference to the requirements of the American trade, though this is not done in Europe. Cyanamid can be stored indefinitely in bags, with no loss of ammonia; it dries wet acid phosphate; it mixes well with all kinds of fertilizing material, without heat or reversion; it is cheaply handled, and is incombustible. It has been accepted by State agricultural departments throughout the country and its use as a fertilizer approved.

WORLD'S SUPPLY OF NITROGEN.

The exhaustion of soils in the United States has increased with great rapidity in recent years, and this has resulted in the establishment of great fertilizer industries, there being invested in factories for this purpose alone in the United States about \$70,000,000; and yet the fertilizer industry is said to be only in its infancy. The world's chief supply of nitrogen comes from the Chilean desert, from which was exported in one recent year \$75,000,000 worth of nitrate, practically 80 per cent of which was used in agriculture. During the last decade the exportation of Chilean nitrate has increased 60 per cent in quantity, 60 per cent in price, and 250 per cent in total value. The Chilean Government estimates that the nitrate fields will be exhausted in about 45 years.

The only other material sources of nitrogen are by-products of other industries in no way connected with agriculture. In the United States these by-products come chiefly from packing houses in the form of blood and tankage, and from gas plants and coke ovens in the form of sulphate of ammonia. Fish scrap, cottonseed meal, animal skins, and even the offal from whaling ships, are used by the fertilizer manufacturers for their nitrogen content. In fact, the world is being scoured for nitrogenous substances for use as fertilizers, and the supply in available form is entirely inadequate to the demand.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent for one minute.

The SPEAKER. The gentleman from Colorado [Mr. MARTIN] asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, the Government, in building and improving navigable streams out of the pockets of all of the people, in order to grant the free use of them to a few of the people, while at the same time imposing a charge for power incidentally developed by private capital in building a dam, is simply straining at a gnat and swallowing a camel. [Applause.]

During the debate in this House on the Black Warrior River bill I asked gentlemen here who were in favor of this new conservation policy what would be the difference in principle, in law, or in any other respect, between charging for the use of a river improved out of the Federal Treasury and charging for the use of a power incidentally developed by the construction

of a dam built across the river. Gentlemen failed to answer that question in the open House, but admitted to me privately that it was unanswerable; that there was not any difference in principle or in law or in any other respect. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MARTIN of Colorado. Give me just one more minute.

The SPEAKER. The gentleman from Colorado [Mr. MARTIN] asks for one minute more.

Mr. HEFLIN. Is the gentleman opposing this measure?

Mr. MARTIN of Colorado. No, sir; I am going to vote for the gentleman's bill.

Mr. HEFLIN. Then I will extend to the gentleman two minutes. [Laughter.]

The SPEAKER. The gentleman from Colorado is recognized for two minutes more.

Mr. MARTIN of Colorado. I do not know that I want two minutes. This proposition of building and improving rivers and harbors and other navigable waters out of the Federal Treasury grew out of the condition existing in this country when all the people lived near the seashore and along the banks near the mouths of these large navigable streams; it grew out of a time antedating the railroads, out of a condition that no longer exists. But the practice still exists, ostensibly for the purpose of improving the navigable waters of the United States, but in reality to furnish the gentlemen representing those districts with campaign ammunition and the means of perpetuating themselves in office, so that the river and harbor bill to-day is known the country over as the "pork-barrel" bill, and has long since attained the proportions of a national scandal. [Applause.]

You are going to impose a tax upon the water power incidentally created by a dam in a river in the State of Alabama, while at the same time you are going into the pockets of all the people of this country for more than \$60,000,000 to improve the Ohio River and make the use of it a present to the fleets of the Anthracite Coal Trust. That is "conservation" in the eyes of some gentlemen; and it is a singular fact, Mr. Speaker, that many of those gentlemen who are now attempting to hold up the development of the water power of this country until they can devise a method of wringing a few millions in Federal taxes from the users of the power are strongly in favor of the pork-barrel plan of spending many millions of the people's money—

The SPEAKER. The time of the gentleman has again expired.

Mr. MARTIN of Colorado. The injustice, the absurdity, the economic unsoundness of this condition have led me to give this subject some study, as the result of which I prepared and introduced the following bill:

A bill (H. R. 22142) to develop a national system and policy of waterways; to create the waterways commission; to regulate and charge for the use of the improved navigable waters of the United States; to provide a fund for the improvement of the same; to regulate and charge for the use of water powers, and for other purposes.

Be it enacted, etc., That the provisions of this act shall apply to any corporation or any person or persons engaged in the transportation of passengers or property by water, and using water craft propelled by other than hand power (and excepting all State or municipally owned water craft not operated for profit and all vessels belonging to the Government of the United States), which are hereby designated to be water carriers, in and upon the navigable waters of the United States, the District of Columbia, and Alaska (and excluding the Panama Canal), upon which navigable waters the United States has heretofore expended or shall hereafter expend any money or services upon improvements, and which shall include the coast lines within the jurisdiction of the Government of the United States, rivers, harbors, lakes, bays, sounds, creeks, canals, channels, and their appurtenant dams, locks, docks, wharves, transfers, and other water terminal facilities, all of which, for the purposes of this act, shall be known as waterways.

Sec. 2. That a commission is hereby created and established to be known as the waterways commission, which shall be composed of three commissioners who shall be appointed by the President by and with the advice and consent of the Senate. The commissioners first appointed under this act shall continue in office from the time of their appointment and for the term of two, four, and six years, respectively, from the 1st day of January, 1913, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than two of the commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any water carrier subject to the provisions of this act, or any common carrier subject to the provisions of the interstate-commerce laws of the United States, or owning stock or bonds in either class of said carriers, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold such office. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

The salaries of said commissioners shall be \$10,000 per year each, and the offices of said commission shall be in Washington, D. C. Said commissioners shall provide such quarters, properly furnished and equipped, and shall further provide such clerical and other help as the business of the commission may require. Except as otherwise provided herein, the commissioners may fix the compensation of all subordinate officers and employees.

The commission may make and enforce the necessary rules and regulations to carry into effect the provisions of this act.

Sec. 3. That it shall be the duty of the waterways commission, with the assistance, when authorized by the Secretary of War, of the Office of the Chief of Engineers, United States Army, and the Board of Engineer Officers in said office to cause to be made surveys of the navigable waters of the United States, which shall include all the waters and their appurtenances mentioned in section 1 of this act, and to revise the same from time to time. There may be employed only in the Office of the Chief of Engineers and placed at the disposition of said Board of Army Engineers such civil engineers as may be deemed necessary to assist in the discharge of the additional duties hereby entailed upon said office. No money or services shall be expended upon any existing or proposed waterways improvement until it shall have been examined and reported upon by said Board of Engineer Officers and until it shall be approved by the Secretary of War as feasible and practicable and not incompatible with the interests of navigation.

Such surveys shall embrace the boundaries, character, and description of each of said waterways, the improvements thereto made by or with the aid of the Government and heretofore or now existing in, upon, or along each of said waterways, where made and for what purpose, the cost of the same as near as may be, the portion of said cost paid by the Government, the portion paid by others and by whom, the quantity and character of the annual traffic in and upon each of said waterways, including every character and description of water craft, transportation, and facilities embraced in this act in so far as they relate to the carrying of passengers or property by water, together with such other information as may be deemed necessary to enable said commission to properly classify and value said waterways and facilities from the standpoint of improvements and traffic, for the purpose of fixing and collecting just and reasonable charges for the use of said waterways.

Such surveys shall be sufficiently completed for the purposes of the next section hereof on or before January 1, 1914.

The waterways shall be divided into districts, not to exceed nine in number, reference being had to natural grouping and such other considerations as may simplify and convenience the administration of the law. Each of said districts shall be under the immediate supervision of a district surveyor, who shall be appointed by the commissioners to hold office until removed for cause, at a salary to be fixed by the commissioners not to exceed \$3,500 per year; and to have his office at a capital place in the district, designated by the commissioners; and to perform such duties and have such assistance as may be ordered by the commissioners.

Sec. 4. That when such surveys shall have been sufficiently completed as aforesaid to enable the commissioners to approximate the cost and relative value to the waterways of said improvements, it shall be their duty to impose an annual charge, where advisable; otherwise some form of toll or other usage charge for the use of such waterways, which shall be equivalent in the aggregate to not less than 1 nor more than 5 per cent of the part of said cost contributed in money and services by the Government, the actual rate fixed on or between these limits to be determined as near as may be by the relation the cost of the improvement to the Government bears to the value thereby given said waterways for navigation and transportation purposes, to the end that the greater value thus given shall bear the greater burden of recompense to the Government, but said charge to be equitably and uniformly distributed, without any discrimination whatsoever, over all classes of water carriers and traffic embraced in this act, both foreign and domestic: *Provided*, That the commissioners may classify waterways and water carriers and traffic in such manner as they may deem practicable for the purpose of simplifying and effectuating the operation and enforcement of this act, and may grade the charges to be attached to such classifications, and, upon due notice, to alter such classifications and rates from time to time: *Provided always*, That such classifications and the attaching grade of rates and changes of the same shall not be permitted to work any discrimination or preference of any character with reference to any class of waterway, water carrier, or traffic.

The commissioners shall make a thorough and exhaustive study of waterways and water craft for the purposes of this act and before putting the same into operation within the time fixed in this act, and may recommend to the Congress such additional legislation as they may deem necessary touching the improvement, regulation, and use of the waterways for the purposes of this act.

All data secured under direction and authority of law by the Engineer Corps touching water traffic, freight classification, ton-mileage statistics, terminal and transfer facilities, development and utilization of water power for industrial and commercial purposes, and other subjects connected with the improvement and use of navigable waters shall be available to the Waterways Commission for all of the purposes of this act.

Sec. 5. That to assist said commissioners to properly impose and collect the aforesaid charges it shall be the duty of the owners of all water craft embraced in this act, on or before the 1st day of January, 1913, and the 1st day of January in each year thereafter, upon forms prescribed by the Waterways Commission, to make a true and accurate return under oath or affirmation of the individual owner, co-partner, or one of the principal officers of a corporation, as the case may be, to the commission, through the district surveyor of the district in or nearest to which the owner, if there be but one, or if more than one, the husband or acting and managing owner of such vessel, usually resides, setting forth:

First. In the case of registered vessels, whether registered under the laws of the United States or of any foreign Government, a duly authenticated copy of the certificate of registry.

Second. In the case of unregistered vessels, such description thereof approximating the information contained in certificates of registry as the commissioners may deem necessary to indicate the character, capacity, and business of such vessel, with a view to determining its proper class and grade of navigable water tax.

Third. Such other information, applicable to all classes of vessels, domestic or foreign, registered or unregistered, coastal or inland, and including tugs, barges, ferries, lighters, and every form of water vessel embraced in this act, which will enable the Waterways Commission to put into effect and administer the provisions of this act.

Upon the filing of said return with and its approval by the commission, a certificate of authority in due form shall be given said vessel to ply for the purposes and in the waters mentioned in said certificate for a period of one year from the date thereof upon payment of the aforesaid charge, which payment, however, may be made at the aforesaid district surveyor's office in such part or parts and at such time or times as may be fixed by the Waterways Commission.

Inspectors may be employed by the commissioners to assist in securing complete and accurate returns of all the water craft herein included, and for this purpose said inspectors shall have access to any books, records, and other information kept at any ports of entry or water-route terminals or elsewhere, either by the owners of such craft or any public authority, and used in the assessing of tonnage or other port duties, dockage, pilotage, and similar charges.

Sec. 6. That the basis of charge for carrying freight upon registered vessels and vessels practically capable of such measurement shall be the net tonnage as ascertained by the vessel-measurement laws of the United States.

Vessels of all other descriptions shall be classified and charged upon such practicable basis as will correspond in amount as nearly as may be to the net tonnage charges; and upon this basis also annual licenses may be charged to passenger-carrying vessels plying daily between ports in domestic waters, ferries, tugs, barges, lighters, launches, and similar craft.

In the laying and collecting of charges upon vessels plying between ports of the United States, the District of Columbia, and Alaska and foreign ports, the laws and practices governing tonnage duties shall be followed as nearly as practicable, and the same may be done with reference to the coastwise, coast to coast, lake and river traffic, and other watercourses, where the regularity and volume of the traffic renders such methods practicable.

All other passenger-carrying vessels and vessels carrying both freight and passengers shall, as to such passenger traffic, pay a head tax or an annual tax upon the gross receipts of such traffic, which shall correspond to and represent as nearly as may be the comparative value of passenger to freight traffic.

Pleasure and all other craft included but not enumerated in this act and using such waters shall be licensed in such manner as the commissioners may determine, upon payment of fees to be prescribed by the commissioners, in the fixing of which fees the commissioners shall be guided as far as practicable by the rule of charging set forth in this section; that is to say, the reasonable value. It shall be the duty of the owners of all the water craft embraced in this paragraph to make and file their sworn statement at the time and place mentioned in section 5 of this act, upon forms prescribed by the Waterways Commission, containing such information as the commissioners may call for to insure the identity, description, and taxation of all such craft.

Sec. 7. That all returns or statements called for by this act shall be filed in the Waterways Commission, and in case of any return or statement made with a false or fraudulent intent, 100 per cent shall be added to such charge, and in case of a refusal or neglect to make such return or statement, or to verify the same 50 per cent shall be added to such charge: *Provided*, That the district surveyor may, upon good cause shown, allow such further time for making and delivering such return as may be deemed necessary, not exceeding 30 days. The amount so added to the charge shall be collected at the same time and in the same manner as the charge originally assessed, unless the refusal, neglect, or falsity is discovered after the date of payment of such charges, in which case the amount so added shall be paid by the delinquent owner or owners immediately upon notice given by the commissioners (or district surveyor).

All charges shall be made and the several owners shall be notified of the amount for which they are, respectively, liable on or before the 1st day of June of each successive year, and said assessment shall be paid before the 30th day of June.

Every officer or employee of the United States who knowingly makes or is concerned in making any false record, or who knowingly grants or is concerned in granting any false certificate or other document whatever required to be issued under the provisions of this act and contrary to the true intent and meaning of this act, or who receives any voluntary reward or gratuity for any of the services performed pursuant thereto, or who knowingly violates any other provision of this act, shall be guilty of a misdemeanor and shall be fined not to exceed \$1,000 or be imprisoned not to exceed one year, or both, in the discretion of the court, with the costs of prosecution, and shall be rendered incapable of serving in any office of trust or profit under the United States.

Any person authorized by law to make, render, sign, or verify any return or statement who makes any false or fraudulent return or statement, with intent to defeat or evade or diminish the charge required by this act to be made, shall be guilty of a misdemeanor and shall be fined not to exceed \$1,000 or be imprisoned not to exceed one year, or both, in the discretion of the court, with the costs of prosecution.

Jurisdiction is hereby conferred upon the circuit and district courts of the United States for the district within which any person summoned under this act to appear, to testify, or to produce books and records, shall reside to compel such attendance, production, and testimony by appropriate process.

Sec. 8. That for the purposes of this act only jurisdiction of canals and other waterways, if any, now paying tolls or charges to the Government, and including water-power leases or licenses under existing law, and all forms of navigable-water use for which a charge is made by the Government, shall for the purposes of this act be, and the same are hereby, transferred from the Secretary of War to the Waterways Commission, and for such purposes only exclusive jurisdiction shall henceforth vest in said commission over all waterways included in section 1 of this act.

The commission is hereby authorized and directed to fix and collect just and proper charge or charges for the privilege granted to all dams authorized and constructed under the provisions of an act entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters, approved June 21, 1906,' approved June 23, 1910," whether or not such navigable stream is benefited by Government storage reservoirs, forested watersheds, or lands.

The commission is authorized and empowered to lease to the highest responsible bidder, for a period not exceeding 50 years and at an annual rental to be fixed by the commission, the right to construct, maintain, own, and operate, in connection with storage reservoirs, dams, and locks, upon any navigable stream, whether such storage reservoirs, dams, and locks are constructed or owned by the Government or others, electrical plants and other structures for the development of light, heat, and power for industrial and other purposes, including the right to sell, lease, or otherwise dispose of said light, heat, and power, at rates to be fixed and regulated from time to time by the commission. The lessee shall furnish and deliver free of charge to the Government at any such electrical plant all light, heat, and power necessary for the use of the Government in connection with the occupancy of grounds and buildings situated at, and for the operation of, locks owned by the

Government. The right of cancellation for forfeiture or violation by the lessee of his terms of lease shall be expressly reserved by the commission in all leases, licenses, or permits issued or renewed under this act.

SEC. 9. That there is hereby created and established in the Treasury of the United States a fund to be known as the waterways improvement fund, in which shall be deposited all moneys collected under the provisions of this act, to be used in waterways improvements, maintenance, and repairs, as the Secretary of War may direct, preference being given to the specific waterway or course from which such funds were collected; and all such moneys are hereby appropriated to the uses herein set forth: *Provided*, That the creation of said fund shall not be held to affect, change, or diminish the existing practice and right of Congress to authorize or make appropriations for specific improvements.

Annual reports of such receipts and expenditures shall be made to the President and the Congress.

SEC. 10. That the Waterways Commission, with the aid of the Engineer Corps of the Army, through the Chief Engineer, shall apply itself to the study and working out of a comprehensive and systematic plan of waterways improvement, development, and articulation, including all waters mentioned in section 1 of this act, whether improved or not; the questions of water transportation facilities, terminals, appliances, and equipment, both public and private; the general location and description of water terminals and the extent and method of their use by water carriers and their general efficiency, and whether open to use by all water carriers on equal terms, and such information as may be accessible as to the terms and conditions of use; whether physical connection exists between such water terminals and the railroad or railroads serving the same territory or municipality, and whether there exists between any of the water carriers operating upon waters under improvement or heretofore improved and any railroad or railroads a mutual contract for interchange of traffic by prorating as to such long-distance traffic as may be desired to be carried partly by rail and partly by water to its destination; and whether improved and adequate highways have been constructed to each water terminal; combinations, monopolies, or conditions affecting competition, facilities, traffic, rates, and service, either among water carriers or between such carriers and common carriers; the cooperation of States and cities with the General Government in waterways improvements; ways and means; and such other proper related questions as may arise; and to report their findings and recommendations to the Congress annually, and oftener if called for, to the end that the United States may establish and develop a national system and policy of waterways which shall be self-sustaining as far as practicable.

The commission is specifically directed to investigate conditions in the coastwise shipping trade, with particular reference to the alleged exclusive monopoly of water routes, terminal ports, and traffic territory enjoyed by each ship line or company now engaged in such coastwise traffic; the cause of such conditions; the effect thereof upon the coastwise trade and its transportation facilities, service, and rates, and upon rail competition; and whether and to what extent such conditions of monopoly exist upon any and all other waterways and courses of the United States, with the like information concerning the same as that herein called for touching the coastwise trade, and to report their findings and recommendations to the Congress.

The commission shall also, in the manner provided in section 3 of this act, make a comprehensive study of water powers upon navigable streams, with a view to the development and utilization of the same for industrial and commercial purposes, and report from time to time their findings and recommendations to the Congress.

SEC. 11. That the President of the United States may, in his discretion, impose upon the Waterways Commission such duties touching the administration of the commercial uses of the Panama Canal as he may deem advisable, and particularly that part of the power and authority now or hereafter conferred by the Congress upon the President concerning commercial traffic through the Panama Canal and the basis, rates, and collection of tolls, and the enforcement of rules and regulations made or authorized by the President, relating to the foregoing features of the canal administration; and it shall further be the duty of said Waterways Commission to make and continuously carry on investigations and study of the water routes and traffic, shipping, shipping laws, and practices of the world, with a view to the encouragement and promotion of the commercial use of the Panama Canal and the means whereby this end may be properly promoted.

SEC. 12. That until otherwise provided by law, jurisdiction of the navigable waters of the United States for all purposes shall remain in the Secretary of War, as prescribed by the several acts of Congress, except as in this act otherwise provided.

SEC. 13. That to defray the cost of this act for the fiscal year ending June 30, 1913, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$250,000, or so much thereof as may be necessary.

SEC. 14. That all acts and parts of acts in conflict with this act are hereby repealed.

Mr. Speaker, I will get through in one minute more.

The SPEAKER. The gentleman from Colorado asks for one minute more.

Mr. SHERLEY. Regular order, Mr. Speaker. I am willing to have the debate run for an hour, but I am not willing to have one gentleman go ahead after the debate is closed. It is not fair.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I will ask that the amendment which I offered be read.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS].

The Clerk read as follows:

Strike out section 2 and insert the following:

"SEC. 2. That the said corporation, its successors or assigns, authorized by this act to construct, maintain, and operate the dam shall not be permitted to construct, maintain, own, or operate in connection with such dam any electrical power stations or other structures for the development of hydroelectric power for industrial or other purposes unless and until such corporation has received a written permit therefor from the Secretary of War which shall contain the stipulations hereinafter prescribed and which shall be specifically agreed to and subscribed by the grantee as the condition upon which the consent of the United States is granted.

"SEC. 3. That the permit herein required shall provide:

"(a) That the grantee shall pay to the United States annually not less than \$1 per horsepower developed by the water so used, the pro-

ceeds to be used for the improvement of navigation on the stream to be affected by the proposed dam or to be used for the improvement of navigation on the waters connected therewith.

"(b) That the annual charge thus fixed shall continue in force for a period of 10 years from a date to be fixed in the permit, which shall not be later than the date upon which the grantee, under the terms of the permit, is to begin the development of hydroelectric power. That every 10 years thereafter the annual rate shall be readjusted for the ensuing 10-year period, and if for any reason the Secretary of War and the grantee fail to agree upon a new rate for the ensuing 10-year period, then and in that event the rate for such ensuing 10-year period shall be fixed by the Secretary of War and the rate so prescribed shall be the legal rate during the ensuing 10-year period: *Provided*, That such rate shall not be unreasonable or confiscatory: *Provided further*, That if the courts hold the rates fixed by the Secretary of War to be unreasonable the court so holding may fix a reasonable rate, and thereafter the rate so fixed shall be the annual rate for that 10-year period. That at the end of each 10-year period, and before the annual rate to be paid by the grantee for the ensuing 10-year period has been fixed, the Secretary of War shall ascertain how much hydroelectric power can economically be developed by the surplus waters at said dam, and the annual rate thereafter shall be based upon the amount of hydroelectric power so ascertained to be possible of economical development.

"(c) That the Secretary of War shall have free access to all books of the grantee and all other records necessary for ascertaining and calculating the amount of power developed and possible of development by the grantee with the surplus water at such dam, and the rates and prices at which such power is sold by the grantee.

"(d) That the grantee shall have incorporated in its charter a provision requiring it to abide by whatever reasonable regulation of the rates and of the service may be prescribed by the State wherein the power is developed and sold, or of any delegated agency of the State, whether that agency be a State commission, municipality, or other local governing body: *Provided*, That the Secretary of War may prescribe such reasonable regulations if the State or other delegated agency thereof fail for any reason so to do.

"(e) That whenever the hydroelectric power produced with the surplus water at said dam constructed by authority of this act enters into interstate commerce the grantee shall agree to abide by whatever reasonable regulation of its rates and of its service may be prescribed by the Secretary of War.

"(f) That the corporation having a permit to develop hydroelectric power under the provisions of this act shall not, without having first obtained the written consent of the Secretary of War, sell or deliver any power so developed to any transmission company, or sell or deliver more than 25 per cent of the power developed to any one person, firm, or corporation.

"(g) That the grantee shall have ingress and egress over Government lands for the operation of its plants and works and the right to use Government lands at or near the said works for the erection of power houses and appurtenances in connection therewith, subject to the approval of and regulation by the Secretary of War.

"(h) That at the expiration of the term for which the permit is granted all of the buildings, plants, and other property of the grantee constructed or used in the development of hydroelectric power under the provisions of this act, and all other property and rights appurtenant thereto, shall be transferred to the United States by the grantee upon payment by the United States of the reasonable value thereof.

"(i) That the Secretary of War, whenever authorized by Congress so to do, may, at any time before the expiration of the term for which the permit shall have been issued, purchase the buildings, lines, plants, and other property of the grantee at such dam constructed or used by it in the development or transmission of hydroelectric power, upon payment to the grantee or its assigns of the reasonable going value thereof: *Provided*, That the value of the franchise or permit issued in pursuance of this act shall not be reckoned as an element of value in determining the reasonable value of such buildings, lines, plant, and other property.

SEC. 4. That if the grantee under this act shall transfer by alienation, lease, or otherwise any right or privilege granted under the provisions of this act without the consent and approval of the Secretary of War the permit issued by the Secretary of War to such grantee shall thereby be rendered null and void.

SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other person interested in said dam or other structure which shall have been constructed in accordance with its provisions."

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. During the debate I suggested an amendment which I had not at that time reduced to writing. Can I present the amendment now and have it considered at the proper time?

The SPEAKER. The Chair thinks under that agreement that the gentleman could.

Mr. MONDELL. Then I present the matter now, to be considered at the proper time.

The SPEAKER. The question first is on the adoption of the amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. COOPER. Mr. Speaker, has the time for debate expired?

The SPEAKER. The time for debate has expired. The vote is to be taken on these amendments. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS].

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

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 39, noes 55.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. On this vote the ayes are 39, the noes are 55. The gentleman from Mississippi [Mr. HUMPHREYS] makes

the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will lock the doors; the Sergeant at Arms will notify absentees; and the Clerk will call the roll. Those in favor of the Humphreys amendment will vote "yea," and those opposed will vote "nay."

The question was taken; and there were—yeas 89, nays 98, answered "present" 12, not voting 191, as follows:

YEAS—89.

Alexander	Gardner, Mass.	McKinney	Sterling
Allen	Gray	McLaughlin	Stone
Anthony	Greene, Mass.	Maguire, Nebr.	Sulloway
Beall, Tex.	Griest	Moon, Tenn.	Sulzer
Bowman	Hamilton, Mich.	Moore, Pa.	Sweet
Buchanan	Helgesen	Morgan	Talcott, N. Y.
Bulkley	Helm	Morrison	Taylor, Ohio
Burke, Wis.	Howland	Moss, Ind.	Thayer
Butler	Humphreys, Miss.	Murdock	Thomas
Candler	Jones	Norris	Townner
Cline	Kendall	Olmsted	Tuttle
Cooper	Kennedy	Payne	Utter
Crumpacker	Kent	Rainey	Wedemeyer
Curley	Korbly	Raker	White
Danforth	Lafean	Rees	Willis
Davis, Minn.	Lever	Sherley	Wilson, Ill.
Dixon, Ind.	Lloyd	Sisson	Wilson, Pa.
Donohoe	Lobeck	Sloan	Witherspoon
Doremus	Longworth	Small	Woods, Iowa.
Farr	McCall	Smith, J. M. C.	Young, Kans.
Foster	McCoy	Speer	
Fowler	McCreary	Steenerson	
Gallagher	McDermott	Stephens, Miss.	

NAYS—98.

Adamson	Dwight	Henry, Tex.	Patten, N. Y.
Aiken, S. C.	Falcon	Hensley	Pepper
Ashbrook	Ferguson	Holland	Post
Austin	Ferris	Houston	Ransdell, La.
Blackmon	Finley	Howell	Roddenberry
Booher	Fitzgerald	Hull	Ruckenberg
Borland	Flood, Va.	Humphrey, Wash.	Rucker, Mo.
Brantley	Floyd, Ark.	Johnson, S. C.	Russell
Brown	Foss	Kinkead, N. J.	Sims
Burke, S. Dak.	French	Lafferty	Slayden
Burleson	Gill	La Follette	Smith, Saml. W.
Burnett	Gillett	Lamb	Smith, Tex.
Byrns, Tenn.	Glass	Lee, Ga.	Stedman
Cannon	Godwin, N. C.	Lee, Pa.	Stephens, Tex.
Cantrill	Goeke	Lewis	Taggart
Carlin	Goodwin, Ark.	Littlepage	Townsend
Carter	Graham	McKellar	Tribble
Claypool	Hamilton, W. Va.	McKinley	Turnbull
Clayton	Hamlin	Mann	Underhill
Crago	Hammond	Martin, Colo.	Underwood
Curry	Hardy	Miller	Watkins
Davenport	Hawley	Murray	Webb
Dent	Hay	Needham	Whitacre
Denver	Hayden	Oldfield	
Doughton	Heflin	Padgett	

ANSWERED "PRESENT"—12.

Browning	Garrett	Hill	Mondell
Campbell	Greene, Vt.	Linthicum	Sparkman
Difenderfer	Harrison, Miss.	McMorran	Talbot, Md.

NOT VOTING—191.

Adair	Driscoll, M. E.	Kindred	Pujo
Ainey	Dupré	Kinkaid, Nebr.	Randall, Tex.
Akin, N. Y.	Dyer	Kitchin	Rauch
Ames	Edwards	Knowland	Redfield
Anderson, Minn.	Ellerbe	Konig	Reilly
Anderson, Ohio	Esch	Konop	Reyburn
Andrus	Estopinal	Kopp	Richardson
Ansberry	Evans	Langham	Riordan
Ayres	Fairchild	Langley	Roberts, Mass.
Barchfeld	Fields	Lawrence	Roberts, Nev.
Barnhardt	Focht	Legare	Robinson
Bartholdt	Fordney	Lenroot	Rothermel
Bartlett	Fornes	Levy	Rouse
Bates	Francis	Lindbergh	Rubey
Bathrick	Fuller	Lindsay	Rucker, Colo.
Bell, Ga.	Gardner, N. J.	Littleton	Sabath
Berger	Garner	Loud	Saunders
Boehne	George	McGillicuddy	Scully
Bradley	Goldfogle	McGuire, Okla.	Sells
Broussard	Good	McHenry	Shackelford
Burgess	Gould	McKenzie	Sharp
Burke, Pa.	Green, Iowa	Macon	Sheppard
Byrnes, S. C.	Gregg, Pa.	Madden	Sherwood
Calder	Gregg, Tex.	Maher	Simmons
Callaway	Gudger	Martin, S. Dak.	Slemp
Cary	Guernsey	Matthews	Smith, Cal.
Clark, Fla.	Hamill	Mays	Smith, N. Y.
Collier	Hanna	Moon, Pa.	Stack
Connell	Hardwick	Moore, Tex.	Stanley
Conry	Harris	Morse, Wis.	Stephens, Cal.
Copley	Harrison, N. Y.	Mott	Stephens, Nebr.
Covington	Hartman	Neeley	Stevens, Minn.
Cox, Ind.	Haugen	Nelson	Switzer
Cox, Ohio	Hayes	Nye	Taylor, Ala.
Cravens	Heald	O'Shaunessy	Taylor, Colo.
Cullop	Henry, Conn.	Page	Thistlewood
Currier	Higgin	Palmer	Tilson
Dalzell	Hinds	Parran	Vare
Daugherty	Hobson	Peters	Volstead
Davidson	Howard	Pickett	Vreeland
Davis, W. Va.	Hughes, Ga.	Plumley	Warburton
De Forest	Hughes, N. J.	Porter	Weeks
Dickinson	Hughes, W. Va.	Pou	Wildner
Dickson, Miss.	Jackson	Powers	Wilson, N. Y.
Dies	Jacoway	Pray	Wood, N. J.
Dodds	James	Prince	Young, Mich.
Draper	Johnson, Ky.	Prouty	Young, Tex.
Driscoll, D. A.	Kahn		

So the amendment was rejected.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. RUCKER of Colorado with Mr. DRAPER.

Mr. RIORDAN with Mr. ANDRUS.

Mr. MCGILICUDDY with Mr. GUERNSEY (on all questions except battleship appropriations, free tolls, and interstate shipment of intoxicating liquors).

Mr. HOBSON with Mr. FAIRCHILD.

Mr. HOWARD with Mr. DE FOREST.

Mr. FURNES with Mr. BRADLEY.

Mr. EVANS with Mr. TILSON.

Mr. BROUSSARD with Mr. YOUNG of Michigan.

Mr. BELL of Georgia with Mr. LANGHAM.

Until further notice:

Mr. WILSON of New York with Mr. WOOD of New Jersey.

Mr. STANLEY with Mr. WILDER.

Mr. ROUSE with Mr. VARE.

Mr. RAUCH with Mr. PRAY.

Mr. KONOP with Mr. PRINCE.

Mr. KONIG with Mr. REYBURN.

Mr. KITCHIN with Mr. PATTON of Pennsylvania.

Mr. KINDRED with Mr. MOON of Pennsylvania.

Mr. JACOWAY with Mr. KOPP.

Mr. HUGHES of New Jersey with Mr. KINKAID of Nebraska.

Mr. GEORGE with Mr. KAHN.

Mr. DANIEL A. DRISCOLL with Mr. HAUGEN.

Mr. CULLOP with Mr. GOOD.

Mr. COX of Indiana with Mr. GARDNER of New Jersey.

Mr. CONNELL with Mr. BURKE of Pennsylvania.

Mr. AYRES with Mr. BARTHOLOTT.

Mr. ADAIR with Mr. BARCHFELD.

Mr. BURGESS with Mr. WEEKS.

Mr. JAMES with Mr. SELLS.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. TAYLOR of Colorado with Mr. AMES.

Mr. SHERWOOD with Mr. CALDER.

Mr. SAUNDERS with Mr. PICKETT.

Mr. SHARP with Mr. MOTT.

Mr. STEPHENS of Nebraska with Mr. GREEN of Iowa.

Mr. SHACKLEFORD with Mr. DYER.

Mr. SABATH with Mr. HIGGINS.

Mr. SHEPPARD with Mr. BATES.

Mr. SCULLY with Mr. BROWNING.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. RUBEY with Mr. KNOWLAND.

Mr. REILLY with Mr. WARBURTON.

Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. PALMER with Mr. HILL (with mutual privilege of transfer).

Mr. PETERS with Mr. HAYES.

Mr. POU with Mr. PORTER.

Mr. PAGE with Mr. MONDELL.

Mr. PUJO with Mr. MCMORRAN.

Mr. O'SHAUNESSY with Mr. PLUMLEY.

Mr. NEELEY with Mr. ROBERTS of Massachusetts.

Mr. MAHER with Mr. ROBERTS of Nevada.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. LEVY with Mr. MATTHEWS.

Mr. LITTLETON with Mr. COLEY.

Mr. LEGARE with Mr. LOUD.

Mr. HARRISON of New York with Mr. MCGUIRE of Oklahoma.

Mr. GREGG of Texas with Mr. MCKENZIE.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. HUGHES of Georgia with Mr. NYE.

Mr. GARRETT with Mr. FORDNEY.

Mr. GOULD with Mr. AINEY.

Mr. GARNER with Mr. HINDS.

Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. GOLDFOGLE with Mr. SWITZER.

Mr. FRANCIS with Mr. POWERS.

Mr. FIELD with Mr. LANGLEY.

Mr. ELLERBE with Mr. CURRIER.

Mr. EDWARDS with Mr. DALZELL.

Mr. DAVIS of West Virginia with Mr. HARRIS.

Mr. DUPRE with Mr. STEVENS of Minnesota (on water bills and vetoes only).

Mr. DAUGHERTY with Mr. SIMMONS.

Mr. DICKINSON with Mr. HEALD.

Mr. DIES with Mr. LAWRENCE.

Mr. COVINGTON with Mr. FOCHT.

Mr. COLLIER with Mr. ANDERSON of Minnesota.

Mr. CLARK of Florida with Mr. FULLER.

Mr. CALLOWAY with Mr. DODDS.

Mr. CONRY with Mr. JACKSON.

Mr. BOEHNE with Mr. CARY.

Mr. BARTLETT with Mr. VREELAND.

Mr. BARNHART with Mr. HENRY of Connecticut.
On this vote:

Mr. HARRISON of Mississippi with Mr. SLEMP.
From August 20 to August 24:

Mr. ROTHERMEL with Mr. MICHAEL E. DRISCOLL.
Until August 28:

Mr. BARNES of South Carolina with Mr. MADDEN.

Mr. MONDELL. Mr. Speaker, I voted "no," but I find I am paired with the gentleman from North Carolina, Mr. PAGE, and I want to change my vote to "present."

The Clerk called the name of Mr. MONDELL, and he answered "Present."

Mr. CAMPBELL. Mr. Speaker, I answered "no," but I am paired with the gentleman from Georgia, Mr. HARDWICK, and I wish to withdraw that and vote "present."

The Clerk called the name of Mr. CAMPBELL, and he answered "Present."

The result of the vote was then announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors, and further proceedings under the call are dispensed with. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

Mr. HEFLIN. Mr. Speaker, my understanding was that amendments had to be introduced or offered during the two hours' debate, and at the expiration of the two hours we were to vote steadily on the amendments and then on the bill, without the introduction of any other amendments or further discussion.

The SPEAKER. The Chair has forgotten the precise language of the agreement.

Mr. MONDELL. Mr. Speaker, the amendment that I offered was an amendment that I referred to during the brief time that I had for the discussion. I did not have it in written form at the time, but sent it to the desk later.

The SPEAKER. The reporter's notes will show what the agreement was.

Mr. MONDELL. I hope the gentleman from Alabama will not object, in any event.

Mr. HEFLIN. There might be some difference in the situation of the gentleman from Wyoming, because I remember that he did refer to his amendment during the debate. If the gentleman from Illinois and other Members are to offer amendments now, we might as well not have had any agreement to close the matter up.

Mr. MONDELL. I understood that amendments must be offered during the period of debate, and I referred to my amendment, but did not have an opportunity to present it in written form until later. As soon as I had it in written form I presented it.

The SPEAKER. The Chair will read the statement of the Speaker at the time:

The SPEAKER. Let us see if we can get this right.

There have been several propositions and suggestions one way and the other.

The gentleman from Alabama asks unanimous consent that the debate on this bill shall continue for two hours, one half of the time to be controlled by himself and the other half by the gentleman from Illinois, and that during the two hours anybody can offer an amendment and have it pending, and at the end of two hours the previous question will be ordered on the bill and amendments to its final passage.

That will shut out the gentleman from Wyoming.

Mr. MONDELL. But, Mr. Speaker, I referred to my amendment during the debate.

The SPEAKER. This agreement is as plain as day, that during the two hours anybody could offer an amendment and have it pending.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent, under the circumstances, having referred to the amendment during the debate, that I may be allowed to have the amendment now pending.

Mr. KINKEAD of New Jersey. Mr. Speaker, I am constrained to object.

The SPEAKER. The gentleman from New Jersey objects. The question is on the third reading of the Senate bill.

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

The SPEAKER. The question is, Shall the bill pass?

Mr. FOWLER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. FOWLER. I rise to make a motion to recommit.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FOWLER moves to recommit the bill to the committee, with instructions to report the same back to the House forthwith with the following amendment:

On page 2, after the word "six," line 7, by adding the following: "Provided, That not less than 7 per cent of the gross income of all business operated by water power developed by such dams shall be paid into the Treasury of the United States."

The SPEAKER. The question is on the motion to recommit. The question was taken, and the motion to recommit was lost.

The SPEAKER. The question is on the passage of the bill.

Mr. MANN. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 94, nays 87, answered "present" 16, not voting 193, as follows:

YEAS—94.

Adamson	Ferris	Howell	Raker
Aiken, S. C.	Flood, Va.	Hull	Ransdell, La.
Austin	Floyd, Ark.	Humphrey, Wash.	Rodenberry
Beall, Tex.	Gill	Johnson, S. C.	Roddenberg
Blackmon	Gillett	Jones	Rucker, Mo.
Booher	Glass	Kinkead, N. J.	Russell
Borland	Godwin, N. C.	Lafferty	Sims
Brantley	Goeke	Lamb	Sladen
Brown	Goodwin, Ark.	Lee, Ga.	Smith, Tex.
Burnett	Hamilton, Mich.	Lee, Pa.	Stanley
Cannon	Hamilton, W. Va.	Lewis	Stedman
Cantrill	Hamlin	Lithicum	Stephens, Tex.
Carlin	Hammond	Littlepage	Sweet
Carter	Hardy	McKellar	Taggart
Claypool	Harrison, Miss.	McKinley	Tribble
Clayton	Hawley	Martin, Colo.	Turnbull
Curry	Hay	Miller	Tuttle
Davenport	Hayden	Moon, Tenn.	Underhill
Dent	Hefflin	Murray	Underwood
Denver	Helm	Oldfield	Watkins
Doughton	Henry, Tex.	Padgett	Webb
Faison	Hensley	Patten, N. Y.	Whitacre
Ferguson	Holland	Pepper	
	Houston	Post	

NAYS—87.

Alexander	French	McCreary	Smith, Saml. W.
Allen	Gallagher	McDermott	Speer
Anthony	Gardner, Mass.	McKinney	Steenerson
Bowman	Gardner, N. J.	McLaughlin	Stephens, Miss.
Buchanan	Gray	Maguire, Nebr.	Sterling
Bulkley	Greene, Mass.	Mann	Stone
Burke, Wis.	Greene, Vt.	Moore, Pa.	Sulloway
Butler	Griest	Morgan	Talcott, N. Y.
Candler	Helgesen	Morrison	Taylor, Ohio
Cline	Howland	Moss, Ind.	Thayer
Cooper	Humphreys, Miss.	Murdoch	Thomas
Crumpacker	Kendall	Norris	Towner
Curley	Kent	Olmsted	Utter
Danforth	Korbly	Payne	Vare
Davis, Minn.	Lafean	Pray	Wedemeyer
Donohoe	La Follette	Rainey	White
Doremus	Lever	Rees	Willis
Dwight	Lloyd	Sherley	Wilson, Ill.
Farr	Lobeck	Sisson	Witherspoon
Foss	Longworth	Sloan	Woods, Iowa
Foster	McCall	Small	Young, Kans.
Fowler	McCoy	Smith, J. M. C.	

ANSWERED "PRESENT"—16.

Ashbrook	Campbell	Hill	Needham
Barchfeld	Dixon, Ind.	Konig	Sparkman
Browning	Fitzgerald	McMorran	Talbot, Md.
Burke, S. Dak.	Garrett	Mondell	Weeks

NOT VOTING—193.

Adair	Dalzell	Guernsey	Littleton
Ainey	Daugherty	Hamill	Loud
Akin, N. Y.	Davidson	Hanna	McGillicuddy
Ames	Davis, W. Va.	Hardwick	McGuire, Okla.
Anderson, Minn.	De Forest	Harris	McHenry
Anderson, Ohio	Dickinson	Harrison, N. Y.	McKenzie
Andrus	Dickson, Miss.	Hartman	Macon
Ansherry	Dies	Haugen	Madden
Ayres	Difenderfer	Hayes	Maher
Barnhart	Dodds	Heald	Martin, S. Dak.
Bartholdt	Draper	Henry, Conn.	Matthews
Bartlett	Driscoll, D. A.	Higgins	Mays
Bates	Driscoll, M. E.	Hinds	Moon, Pa.
Bathrick	Dupré	Hobson	Moore, Tex.
Bell, Ga.	Dyer	Howard	Morse, Wis.
Berger	Edwards	Hughes, Ga.	Mott
Boehne	Ellerbe	Hughes, N. J.	Neeley
Bradley	Esch	Hughes, W. Va.	Nelson
Broussard	Estopinal	Jackson	Nye
Burgess	Evans	Jacoway	O'Shaunessy
Burke, Pa.	Fairchild	James	Page
Burleson	Fields	Johnson, Ky.	Palmer
Byrnes, S. C.	Finley	Kahn	Parran
Calder	Focht	Kennedy	Patton, Pa.
Callaway	Fordney	Kindred	Peters
Cary	Fornes	Kinkaid, Nebr.	Pickett
Clark, Fla.	Francis	Kitchin	Plumley
Collier	Fuller	Knowland	Porter
Connell	Garner	Konop	Pou
Conry	George	Kopp	Powers
Copley	Goldfogle	Langham	Prince
Covington	Good	Langley	Prouty
Cox, Ind.	Gould	Lawrence	Pujo
Cox, Ohio	Graham	Legare	Randell, Tex.
Crago	Green, Iowa	Lenroot	Rauch
Cravens	Gregg, Pa.	Levy	Redfield
Cullop	Gregg, Tex.	Lindbergh	Reilly
Currier	Gudger	Lindsay	Reyburn

Richardson	Scully	Stephens, Cal.	Vreeland
Riordan	Sells	Stephens, Nebr.	Warburton
Roberts, Mass.	Shackleford	Stevens, Minn.	Wilder
Roberts, Nev.	Sharp	Sulzer	Wilson, N. Y.
Robinson	Sheppard	Switzer	Wilson, Pa.
Rothermel	Sherwood	Taylor, Ala.	Wood, N. J.
Rouse	Simmons	Taylor, Colo.	Young, Mich.
Ruby	Slemp	Thistlewood	Young, Tex.
Rucker, Colo.	Smith, Cal.	Tilson	
Sabath	Smith, N. Y.	Townsend	
Savanders	Stack	Volstead	

So the bill was passed.

The Clerk announced the following additional pairs:
Until further notice:

Mr. DIXON of Indiana with Mr. CRAIG.

Mr. BATHRICK with Mr. NEEDHAM.

Mr. SULZER with Mr. WILDER.

Mr. BURLESON with Mr. MATTHEWS.

Mr. RAUCH with Mr. KENNEDY.

Mr. COX of Indiana with Mr. SLEMP.

Mr. ASHBROOK. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. ASHBROOK. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in his seat listening when his name was called?

Mr. ASHBROOK. No.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. HEFLIN. Mr. Speaker, the gentleman from Ohio may be recorded for the purpose of making a quorum, may he not?

The SPEAKER. The Chair has a right to count the gentleman for the purpose of a quorum. The Chair can not see any objection to his answering "present" to make a quorum.

Mr. ASHBROOK. Then, Mr. Speaker, I will answer "present."

The Clerk called the name of Mr. ASHBROOK, and he answered "Present."

Mr. BURKE of South Dakota. Mr. Speaker, I desire the same privilege.

The Clerk called the name of Mr. BURKE of South Dakota, and he answered "Present."

The names of Mr. FITZGERALD, Mr. HILL, Mr. NEEDHAM, and Mr. BARCHFIELD were also called, and they responded "Present." The result of the vote was announced as above recorded.

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

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record.

Mr. HEFLIN. Mr. Speaker, I make the request for all gentlemen who spoke upon this bill.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent that I may—

The SPEAKER. The gentleman from Alabama asks unanimous consent that all gentlemen who spoke upon this bill may have permission to extend their remarks.

Mr. MANN. Mr. Speaker, I couple with that a request that the gentleman from Pennsylvania [Mr. BOWMAN] have leave to extend his remarks in the Record.

Mr. HEFLIN. Mr. Speaker, I mean for five legislative days.

The SPEAKER. Five legislative days. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none. The gentleman from Illinois asks unanimous consent—

Mr. MANN. No; I coupled that with the other request.

The SPEAKER. The gentleman puts Mr. BOWMAN, of Pennsylvania, in with the others.

Mr. GARRETT. Mr. Speaker, I object to the request as stated in its last form.

The SPEAKER. The gentleman from Tennessee objects to the request.

Mr. MANN. If gentlemen are unwilling to let a gentleman make a speech concerning his own seat, there will be no further extensions by unanimous consent.

The SPEAKER. Debate is out of order.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I submitted a request for unanimous consent to extend my remarks.

The SPEAKER. But the gentleman from Alabama extended it so as to take in everybody else, and the gentleman from Illinois objected.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BATHRICK, for one day, on account of illness.

To Mr. WILSON of New York, for the remainder of the session, on account of illness.

CONDEMNED BRASS AND BRONZE CANNON.

The SPEAKER. The Chair lays before the House the following House bill with Senate amendments.

The Clerk read as follows:

A bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned brass or bronze cannon with their carriages and outfit of cannon balls, etc.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. How does this particular bill which the clerk has read get before the House?

The SPEAKER. Why, it was on the Speaker's table.

Mr. SHERLEY. By what right is it called from the Speaker's table?

The SPEAKER. The Chair laid it before the House.

Mr. SHERLEY. Mr. Speaker, I submit that the rule requires that it should be referred to a committee—

Mr. HAY. I hope the gentleman will not object.

Mr. SHERLEY. I am very much opposed to the passage of the bill—

The SPEAKER. If the amendments required it to go to the Committee of the Whole House on the state of the Union, why then the rule the gentleman cites applies.

Mr. SHERLEY. It is appropriating property of the Government of the United States.

Mr. HAY. Well, I do not think it is. I think it is a bill simply loaning these cannon, but makes them subject to be recalled at any time if the Government or the War Department needs them.

Mr. MANN. Mr. Speaker, if the Chair will permit, while I am very much in favor of the passage of this bill—H. R. 24458—it is a Union Calendar bill, and I think was properly on the Union Calendar at the time, and if it was properly on the Union Calendar at the time the Senate amendments are Union Calendar amendments.

The SPEAKER. That is absolutely true, and in that case it will have to go to the Committee on Military Affairs.

Mr. MANN. The amendments of the Senate in this case are precisely the same, so far as that is concerned, as the original provisions of the House bill.

The SPEAKER. Why, of course that is true; but the Chair, without examining it, supposed it was on the House Calendar.

Mr. HAY. I hope the gentleman will not object.

The SPEAKER. If the gentleman makes the point of order, the Chair will sustain it.

Mr. SHERLEY. Mr. Speaker, this bill was on the Unanimous-Consent Calendar. It was stricken off. I made a protest against it at the instance of the War Department. It was then passed through by unanimous consent when I was absent from the Chamber. I feel, in view of the representations which have been made to me by the War Department of the undesirability of the passage of this bill, that I should make the point of order, which I do now make.

Mr. HAY. Mr. Speaker, I want to state in reply to what the gentleman says that every bill or every request for cannon put in the House bill was approved by the War Department, and it is a very curious thing that the War Department should now give out that it is opposed to the passage of this bill, when these bills were sent to the War Department for report and they reported that there was no objection to them.

I simply want to say that in defense of the House committee and in defense of gentlemen who are affected by these bills.

Mr. MANN. Will the gentleman from Kentucky [Mr. SHERLEY] reserve his objection for a moment?

Mr. SHERLEY. Yes.

Mr. MANN. This bill only disposes of condemned cannon?

Mr. HAY. That is all.

Mr. MANN. Without any expense to the Government? What possible objection can the War Department have to it?

Mr. SHERLEY. I will tell you. Already all of the old, worthless cannon have been given away, and this relates to brass cannon that are now being used by the Ordnance Department in remanufacturing, and this bill means to give away that much valuable property of the Government.

Mr. HAY. I will ask the gentleman from Kentucky [Mr. SHERLEY] if he does not think it a very strange thing when these bills were sent to the War Department that they did not in their report to the Committee on Military Affairs urge objections which the gentleman is now urging?

Mr. SHERLEY. It may be; but I can only say that in a personal talk to some gentlemen the statement was made, and my own knowledge of ordnance stores verified it, that these cannon are valuable to the Government and that the useless cannon have long ago been disposed of.

Mr. HAY. Does the gentleman think that such Revolutionary cannon as were captured at the Battle of Saratoga and sent out as relics were not valuable?

Mr. SHERLEY. The gentleman does not think so, and when the matter was up before the gentleman plainly stated he would be glad to have such relics disposed of, but this bill, as the gentleman from Virginia [Mr. HAY] well knows, goes beyond the question of guns that have historical significance.

Mr. MANN. The gentleman from Kentucky [Mr. SHERLEY] just stated, as I understood him, that the only purpose the War Department has for this cannon is in remanufacture. The only value is in the material, which may be valuable. But does not the gentleman believe that after all it will be of greater value to the country to have these cannon located in places where they will inspire patriotism, rather than to save the small expense of the value of the material melted down?

Mr. SHERLEY. If I thought they would be so distributed as to inspire patriotism I would unquestionably answer the gentleman, yes. But I do not think his premise is borne out by the facts.

Mr. MANN. There is one in the city of Chicago that, I think, will be worth to the Government thousands of dollars' worth of patriotism eventually.

Mr. SHERLEY. There are instances in which requests should be granted, but anybody who has read the CONGRESSIONAL RECORD and knows the history of the bill in this House and in the other body and knows the way that they were there reaching out and grabbing for this cannon to be sent out to various and sundry places without regard to whether they had any claim or not will think the gentleman's claim of patriotism is spread pretty thin.

Mr. MANN. The gentleman must recall that no one could get these cannon without going to considerable expense. They have to be shipped a long distance, and there are heavy freight charges on them every time, and when a society or a community is willing to go to the expense of bringing the cannon there it shows that they have something in the way of patriotism or they would not do it.

Mr. SHERLEY. Mr. Speaker, I recognize that the man who exercises his individual view at this time of the session is taking advantage of a time situation that he would not have earlier. I have voiced my protest. I am not going to put my judgment against the judgment of the House. If the House wants to vote away Government property under these circumstances, I have no objection.

The SPEAKER. The gentleman withdraws his point of order. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. How does this bill get before the House at this particular time?

The SPEAKER. The Chair laid it before the House. It was on the Speaker's table. It is a House bill, with Senate amendments.

Mr. SLAYDEN. Then, I beg pardon of the Chair for asking a question that has been answered before, as I am told. But I was not in the House at the time. I was called out. I think there ought to be some information about how much property of the Government is going to be given away in this manner, and therefore, Mr. Speaker, I object.

Mr. HAY. Object to what?

The SPEAKER. It is not a question for unanimous consent.

Mr. SLAYDEN. I understood it was.

The SPEAKER. No.

Mr. SLAYDEN. I make the point of order, Mr. Speaker, that the bill should be referred to the committee.

Mr. HAY. It is too late. The gentleman from Kentucky [Mr. SHERLEY] made a point of order and withdrew it, and the amendments have been read, and it is now too late to make a point of order on it.

The SPEAKER. The Chair was in error about its being a question of unanimous consent. If the gentleman objects, his objection is valid.

Mr. HAY. But the objection has been withdrawn, Mr. Speaker. The objection could have been made when the bill was called up. The gentleman from Kentucky [Mr. SHERLEY] objected, as well as made a point of order, and the objection was withdrawn, and the Senate amendments were read. Of course, the gentleman from Texas can move to disagree to the Senate amendments if he wants to.

Mr. SLAYDEN. Mr. Speaker, has the question of unanimous consent been put?

The SPEAKER. The question of unanimous consent never has been put. They had a long wrangle here about whether this

bill ought to be referred to the committee, because it disposed of what purports to be some property of the United States, and that point of order was withdrawn.

Mr. SLAYDEN. It is proposing to give away valuable property of the United States, and aside from the fact that that ought not to be done, it is not a square division. The donations are improperly distributed.

The SPEAKER. If the gentleman insists upon it, the point will be sustained.

Mr. MANN. I do not think the gentleman is entitled to insist upon it.

The SPEAKER. It seems to the Chair that the proper time to raise a point of order is past.

Mr. HAY. I move to concur, Mr. Speaker, in the Senate amendments. The question is on agreeing to that motion.

The SPEAKER. The gentleman from Virginia [Mr. HAY] moves to concur in the Senate amendments.

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

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

The House divided; and there were—ayes 57, noes 9.

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

Mr. MANN. Oh, no. I ask the gentleman to withdraw his point.

The SPEAKER. The gentleman from Pennsylvania [Mr. BUTLER] raises the point of order that there is no quorum present.

Mr. BUTLER. I withdraw it, Mr. Speaker, but I give notice now that I want my colleague [Mr. BOWMAN] to have a proper chance.

The SPEAKER. The gentleman from Pennsylvania withdraws his point of order.

So the motion of Mr. HAY to concur in the Senate amendments was agreed to.

EXTENSION OF REMARKS.

Mr. MANN. I ask unanimous consent that the gentleman from Pennsylvania [Mr. BOWMAN] may be permitted to extend his remarks in the RECORD.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Pennsylvania [Mr. BOWMAN] may be permitted to extend his remarks in the RECORD. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, I wish to make this statement: That when the objection was made by me this morning, I was under the impression, from a reading of the RECORD of last Saturday, that a committee objection had been made, and the chairman of the committee not being present, I objected for the time being. I understand now that that was not a committee objection. Of course, I have no personal interest in the matter, and no feeling about it, one way or the other, and do not insist upon the objection, so far as I am concerned.

Mr. MANN. Mr. Speaker, if the gentleman will permit, I will say that I made the arrangement which I think brought that controversy to a close, and which gave the gentleman from Ohio [Mr. ANSBERRY], the chairman of the Committee on Elections No. 1, the floor. It was subsequently on my suggestion that he was given leave to extend his remarks in the RECORD. I am very confident that if the gentleman from Ohio were here, he having been called away, he would not object to the request now.

Mr. GARRETT. Mr. Speaker, I have said that so far as I am concerned, I shall not insist on the objection.

Mr. GOEKE. Mr. Speaker, I object.

The SPEAKER. The gentleman from Ohio [Mr. GOEKE] objects.

Mr. MANN. Then I shall object to any unanimous-consent requests that are made.

Mr. BUTLER. I am going to see that there is a quorum present. I give notice to that effect right now.

Mr. MANN. There will be no more unanimous consents.

EVAN URNER RINEHART.

Mr. BROWNING. Mr. Speaker, I ask unanimous consent that the Committee on Naval Affairs be discharged from the further consideration of the bill S. 7267, and that it be taken up for the consideration of the House.

The SPEAKER. Let the gentleman send the bill up to the Clerk's desk and have it reported. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and it is hereby, waived for one year in the case of Evan Urner Rinehart in consideration of his previous naval service.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, as I understand, this is a private bill, and of course can not go on the Unanimous Consent Calendar. If one private bill is called up in this way, others ought to be. This bill has no privilege under the rules of the House. I have no personal objection to it. At some time in the session I think Members ought to have an opportunity to call up private bills by unanimous consent, but I think when one comes the others ought to come, too.

Mr. BROWNING. Mr. Speaker, the reason I have called up this bill is this: A bill of exactly the same character was reported from the Committee on Naval Affairs and is now on the House Calendar. This is a Senate bill, and I would like to pass it instead of the House bill.

Mr. UNDERWOOD. Is this on the Speaker's table?

Mr. BROWNING. No.

Mr. UNDERWOOD. Then it does not come within the rule.

Mr. BROWNING. It has been referred to the Committee on Naval Affairs, and I ask that the Committee on Naval Affairs be discharged from the further consideration of it.

Mr. UNDERWOOD. I do not care to object to the gentleman's bill, but there are a number of other bills similar to this, and this does not come within the rule which permits the taking of a bill from the Speaker's table. I would be very glad to have an opportunity before we adjourn, if we can do so, to have some of these little private bills called up by unanimous consent; but I think if we do they ought all to have an equal opportunity.

The SPEAKER. The Chair wants to state this situation: Some time ago—the Chair thinks it was at the end of the Sixtieth Congress—the House established a Unanimous Consent Calendar. That was to relieve Members from the alleged necessity of going to the Speaker cap in hand, to use the phrase that was popular then, to get unanimous consent. I never had to go with cap in hand.

This Unanimous Consent Calendar was established, and Mr. Speaker CANNON declared from the Speaker's chair that it was a great relief to the Speaker. It is. I thoroughly agree with him about it.

Now, once or twice the Chair recognized a Member to call up a matter of pressing necessity, some emergency matter like the Mississippi flood resolution, and three or four or five others where the United States Government would absolutely lose money if the thing was not done at once. The Chair has no idea of going back to the old system; but one gentleman rose and notified all concerned that hereafter he would object. That is the whole statement. The Chair wants to carry out the rule in good faith and wants to treat everybody alike.

Mr. UNDERWOOD. Mr. Speaker, to-morrow is Private Calendar day. Of course there may be public business that may prevent private bills being considered; but in order that every man may have the same chance for the consideration of these private bills, I will ask unanimous consent that on to-morrow, Private Calendar day, it may be in order for the Chair to recognize gentlemen to ask unanimous consent for the consideration of bills on the Private Calendar, not to interfere with the public business.

Mr. LEVER. Reserving the right to object to that request, the Committee on Rules some weeks ago made the agricultural extension bill a continuing order.

Mr. UNDERWOOD. I have included in my request that it is not to interfere with public business.

Mr. LEVER. My question is whether it will interfere.

Mr. UNDERWOOD. No; my request will except bills that have been made in order for consideration by the House and conference reports.

Mr. MANN. This is only a matter of unanimous consent.

Mr. UNDERWOOD. Only a matter of unanimous consent.

Mr. SIMS. Reserving the right to object, I want to state this to the gentleman from Alabama: The Committee on War Claims has not had a day since the Democratic convention. Now, there are a few Tucker Act resolutions that have been reported since for Members who were ill at the time or away from home on account of sickness or other things just about as bad. There are only a few of them, and it will take only a few minutes to dispose of them. I ask that they be made an exception, as we are entitled to to-morrow under the rule.

Mr. MANN. If the gentleman from Tennessee will permit me to make a statement, the resolutions to which he refers are away down on the calendar. Bills reported from other committees would take precedence, and if the request of the gentleman from Alabama [Mr. UNDERWOOD] does not go through, the gentleman's bills would not come up until about the end of the Sixty-fourth Congress, but will come up to-morrow under the request made by the gentleman from Alabama.

Mr. SIMS. The last day was private-claims day, and the Committee on War Claims will be entitled to it next.

Mr. MANN. Other committees also come in all the time. The War Claims Committee does not come ahead of the Committee on Military Affairs.

Mr. SIMS. It will only take a few minutes to dispose of these bills, and it may be of benefit to absent Members who are absent on account of illness.

Mr. UNDERWOOD. I am trying to provide a way so that all gentlemen who have private bills can really get in.

Mr. SIMS. Well, I did not want to be forgotten.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, while this is going on, I present a conference report on the Army bill for printing under the rule.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

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

Mr. GILLETT. Mr. Speaker, I should like to ask the gentleman from Virginia [Mr. HAY] whether the amount now appropriated by this conference report for the manufacture of arms is \$600,000, as originally passed by the House, or \$700,000, as increased by the Senate?

Mr. HAY. It is \$700,000.

Mr. GILLETT. I am very glad the larger sum was finally agreed upon.

In this connection, Mr. Speaker, I think it might be interesting to some Members of the House to know the history of this appropriation, and as it is a matter I have studied every year and have been active in securing, I will give a short account of the manufacture of arms by the Government since I have been in Congress.

When I came here in 1893 Congress had been for many years making an appropriation of \$400,000 per annum for the manufacture of small arms at Springfield, my home. The Congress I entered had a Democratic majority, and like this Congress was making loud professions of economy. I was appointed a member of the Military Committee, and when the question arose as to how much we should appropriate for the manufacture of small arms the Democratic subcommittee cut down the amount to \$350,000. It was a time of all others when there was least excuse for such a reduction, and when, on the contrary, there was every reason for an increase, because the Krag rifle had just been adopted; the Army was waiting to be equipped with it, and so there ought to have been an unusually large appropriation to provide a decent supply of the new arm. I pressed those arguments in the committee and made a motion to increase the appropriation from \$350,000 to \$400,000, but the Democratic leaders were obdurate. When it came to a vote, however, two Democrats, both of them distinguished generals in the Civil War—Gen. Sickles, of New York, and Gen. Joe Wheeler, of Alabama—joined the solid Republicans and my amendment prevailed, and from that time on I never had to fight against a reduction of the appropriation, but could devote my efforts to increasing it.

The outbreak of the War with Spain proved at once that our appropriations had been inadequate, for you will remember how some of our regiments had to meet the Spanish Mausers with the old Springfield musket; and Congress became more liberal and appropriated a million dollars that year, and increased it until, in 1902, it had risen to \$1,700,000 a year, and continued at that figure until last year it was reduced to a million, and this year the House cut it to \$600,000, but the Senate increased it to \$750,000. By these liberal appropriations about a million modern rifles have been manufactured, so that all the regular troops are supplied with them—all the militia—and the balance are stored ready to be distributed in case of war. To be exact, 410,940 Krag-Jørgensen rifles have been made up to July 1, 1912; 63,528 Krag-Jørgensen carbines; and 491,924 United States rifles, model of 1903; or a total of 966,402 of the modern rifle.

With such a large supply on hand, I admit that the necessity for continued manufacture is diminished, and it is reasonable that some reduction should be made. The present appropriation would only pay for 100 a day, and that is not a large addition to the existing supply. I do not think it is large enough, and, moreover, it should be borne in mind that it is of great importance to the Government that the body of trained and skilled mechanics which it has assembled should not be separated from the service and scattered, for, in case of emergency, it would be impossible to fill their places at once. The Springfield armors have always felt a just pride that they were picked men, at the top in their line of work, and it is of great value to the Government to keep such a force always at com-

mand. I have always urged strenuously since I have been here that no matter what the size of the annual appropriations they should be steady—not large one year and small the next, but any increase or decrease should be gradual, so that there should be no sudden change in the size of the force. That is only fair to the men who come to the armory with the expectation of permanent employment and who ought not to be turned out suddenly at a time, perhaps, when the labor market is glutted; and it is fair to the Government itself, for only by such regular, steady, permanent employment can it build up the force of skilled and contented men which will do the best work. I think its success in late years has been remarkable, and so I deplore the recent heavy reductions in appropriations, which have diminished the force by a half and have turned away hundreds of trained experts.

Although the earnings of the men have steadily increased, yet at the same time the expense of the rifle has steadily decreased. I remember when the Krag-Jørgensen rifle was first adopted one of the foremen at the armory, an exceedingly intelligent and skillful man, told me he thought the United States was making a great mistake in selecting that weapon, for the gun was so intricate that the expense of manufacturing would be tremendous, and that it could never be made for less than from \$20 to \$30 per gun. Yet so great have been the inventions and economies introduced that, commencing the first year at \$20, the cost has been gradually reduced so that now it only costs \$14.67 per gun, not much more than the simple old Springfield musket was costing at the end of its era, and this has been in part due to the system of keeping a constant, steady force of trained expert men. Under the reductions of appropriations a large part of that force will be lost and scattered and could never be assembled again.

The rifle which is now manufactured and which our troops are now using is not only a splendid specimen of mechanical development, but it has also proved itself, in competition with the weapons of all the nations of the world, superior in its exactness and effectiveness, and its recent success at the Olympic games, in South America, England, and Canada have shown that our national rifle maintains our national reputation for mechanical inventiveness and skill and efficiency. In this the Springfield armory can take a just pride.

My 20 years' service in this House happens to be contemporaneous with the 20 years during which this rifle has been manufactured, and I have actively participated in securing the legislation and regulations and changes which have accomplished the development of the rifle and of the plant. A statement of it will show one phase of the growth of this Government as a manufacturing agency and one small phase of the constant expense of keeping prepared for a possible war.

The mere outgo of money is impressive, for during that 20 years there has been expended in Springfield in the actual making of the rifles \$19,000,000. Besides that we have spent quite a large sum in improving and enlarging the plant. The armory was located more than a hundred years ago on a slightly hill in the suburbs of Springfield, but the city has grown around it so that it now occupies a most beautiful site in the very heart of the residence section of the city. The Government has insisted on retaining the ownership of most of the streets that surround it, and to keep these streets in condition there has been appropriated in the 20 years more than \$25,000. During the same period there has been spent for the general repair and upkeep of the reservation \$225,000.

An addition to the "water shops" was built at a cost of about \$100,000, which enabled a portion of the manufacture of the rifles to be transferred and the water power to be utilized.

About \$10,000 was appropriated for better fire protection; \$18,000 for a dry house and a room for the convenience and comfort of the workmen. In different years appropriations amounting in all to \$200,000 were made for additional machinery and fixtures and \$40,000 was expended in making better railroad connections, and thus diminishing the cost of manufacture.

So in the 20 years there has been appropriated and expended on the Springfield Armory:

For manufacture of arms.....	\$19,000,000
For improvement of buildings and grounds.....	750,000
For improvement to manufacturing plant.....	500,000
Total.....	20,250,000

What has been the result of this enormous expenditure? I think on the whole it is very creditable to the management of the armory. Personally I have been in favor of civilian management. At one time I was firmly convinced that the treatment of the men was not such as they were entitled to. I concluded that the education and environment of an Army officer did not tend to fit him to successfully administer a large manufacturing plant with many hundreds of skilled self-respecting

mechanics, and I endeavored to bring about a return to the early practice of a civilian control, but divorced by strict civil-service rules from any civilian patronage or spoils system. I was unsuccessful, and I must in fairness admit that of late years the military management has been eminently fair and successful. It has handled with as much consideration and forbearance as possible the great reduction of force which has recently been necessary because of the large supply of rifles on hand and the program of the Democratic House to economize in our military expenditures.

The processes of manufacture have been so well conducted that the cost of the rifle has been steadily reduced from \$20 to \$14.67. But this has not been accomplished by any unreasonable exactions from the men employed. On the contrary, I think it can be fairly said that the condition of the employees has been steadily improved during the period by numerous small changes, all for their benefit, and in all of which I have had the pleasure of being interested and instrumental. So that I think to-day the status of an armorer is more favorable than ever before.

In 1904 the payment of wages was changed from monthly, as it had always been, to semimonthly, and in 1908 that was again changed to weekly payments. In 1908 the change was made from payment by check to payment in cash, as desired by the men.

In 1906 half holidays were established for Saturdays in July, August, and September.

In 1911 shower baths, drinking fountains, and an employees' room were established.

During 10 years, while the cost of the rifle was steadily diminishing, the average pay of the men was as constantly increasing, which is the ideal every manufacturer should seek to attain, and while the average wage in 1899 was \$2.09, the average wage in 1912 was \$2.98, an increase of 42 per cent.

Up to 1904 the only Government factory for small arms was at Springfield. The Spanish War impressed upon the administration the need for a larger output in emergency. To accomplish that at Springfield new buildings would be necessary. But it happened that at Rock Island, in the Mississippi River, there were fine stone buildings owned by the Government well adapted to this purpose with a large water power, and the War Department recommended that these buildings be equipped with machinery and that a portion of the future rifles be manufactured there. As representing Springfield, I much preferred that the plant there should be increased rather than that a new armory should be initiated in the West, but I soon found that the arguments of the War Department—that at Rock Island the buildings were all ready without any expense, and that it was wise to have the weapons of war manufactured at the West as well as at the East—were favorably received by Members of Congress, particularly those from the West. And it so happened that at this juncture the committees of the Senate and House which would pass upon the question were headed by Senator Allison and Mr. Hull, both from Iowa, and the city of Davenport, Iowa, would be the greatest gainer by the new armory at Rock Island, so I soon found it would be useless to oppose the measure. But Senator Allison and Mr. Hull agreed with me that there should be no reduction of our force at Springfield, but that it should continue the main source of supply, and ever since two-thirds of the product has come from Springfield and one-third from Rock Island, and, in addition to the \$20,000,000 expended in Springfield, four million and a half have been expended at Rock Island for the same purpose. So that there has been expended in all for the manufacture of small arms in the past 20 years \$25,000,000. I believe it has been honestly, economically, and wisely expended. It is an enormous sum. We all wish it were unnecessary. We all hope the product of it is superfluous and may never be needed. We all sympathize with Longfellow's familiar words in his poem entitled "The Arsenal at Springfield"—

If half the power that fills the world with terror,
If half the wealth bestowed on camps and courts
Were given to redeem the human mind from error,
There were no need of arsenals and forts.

But we know that human passions and interests have not yet ceased to make war possible and the preparation for it imperative, and so the manufacture of arms must continue at Springfield until that day still distant shall arrive—

When the war drum throbs no longer and the battle flags are furled,
In the parliament of man, the federation of the world.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution and bill of the following titles:

H. J. Res. 349. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Vet-

erans' Reunion to be held at Ada, Okla., in September, 1912; and

H. R. 13016. An act for the relief of the West Kentucky Coal Co.

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

S. 313. An act relative to the exchange of certain properties between the insular government of Porto Rico and the War Department.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 7343. An act to authorize the building of a dam across the Coosa River, in Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 313. An act relative to the exchange of certain properties between the insular government of Porto Rico and the War Department; to the Committee on Insular Affairs.

EXTENSION OF REMARKS IN THE RECORD.

Mr. GILLET. Mr. Speaker, I ask unanimous consent to submit some remarks on the manufacture of arms, which has been reported upon in the Army bill.

Mr. MANN. There will be no more unanimous consents unless unanimous consent is given to the gentleman from Pennsylvania. Pending that request, Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BOWMAN] may be permitted to extend remarks in the RECORD, and that the gentleman from Ohio [Mr. ANSBERRY] be given the same permission.

Mr. WHITACRE. Reserving the right to object, how much time is to be given to Mr. ANSBERRY?

Mr. MANN. Indefinite.

Mr. WHITACRE. With that understanding, I have no objection.

The SPEAKER. What is the request of the gentleman from Illinois?

Mr. MANN. That the gentleman from Pennsylvania [Mr. BOWMAN] be given leave to extend his remarks in the RECORD, and that the gentleman from Ohio [Mr. ANSBERRY] be given the same leave.

Mr. SISSON. Mr. Speaker, the gentleman from Ohio is not here. Does anyone know whether the gentleman from Ohio has any objection to it or not? He objected on a previous occasion.

The SPEAKER. The Chair has no knowledge on that subject.

Mr. SISSON. I did not intend to ask the Chair, but some member of the delegation.

Mr. WHITACRE. I know that he objected before.

Mr. SISSON. One of his colleagues states that he has objected.

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

Mr. SISSON. Reserving the right to object, I am unwilling to make objection for the gentleman from Ohio unless some Ohio colleague sees fit to make it. I shall not interpose an objection, but I simply wanted to know if anyone knew that Mr. ANSBERRY did object.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that the gentleman from Pennsylvania [Mr. BOWMAN] shall have leave to extend his remarks in the RECORD, and that the same privilege shall be extended to the gentleman from Ohio [Mr. ANSBERRY]?

Mr. WHITACRE. Provided Mr. BOWMAN will file his statement with Mr. ANSBERRY in advance, so that he may see it, I will not object.

Mr. MANN. I do not think that that would be practicable, but Mr. ANSBERRY can reply.

Mr. WHITACRE. Mr. BOWMAN had an opportunity the other day to make a reply, and refused to make it.

Mr. MANN. The gentleman from Ohio is mistaken.

Mr. WHITACRE. I was here and heard it.

Mr. MANN. The gentleman from Pennsylvania did not have an opportunity, for the time was not given him, and could not be given him under the agreement.

Mr. WHITACRE. Mr. ANSBERRY proposed to Mr. BOWMAN at the time to give him 40 minutes.

Mr. MANN. I beg the pardon of the gentleman, but Mr. ANSBERRY did not have the time to give.

The SPEAKER. Here is what happened, and there is no question about it: The gentleman from Pennsylvania [Mr.

BOWMAN] spoke 5 minutes, and the gentleman from Ohio [Mr. ANSBERRY] spoke 20 minutes. That was all there was to it, except an interchange of compliments between the Members. Is there objection to the request of the gentleman from Illinois?

Mr. GOEKE. Reserving the right to object, I want to inquire whether Mr. BOWMAN is to file his remarks within a reasonable time?

Mr. MANN. I have no doubt that he will, and under the practice, even if he did not file them until after the adjournment of Congress, the gentleman from Ohio would still have an opportunity to have a RECORD printed, even if it was only to print the extension of his remarks.

Mr. GOEKE. I have no objection to that, but I think he ought to be limited to 30 or 20 days.

Mr. MANN. I will make it 10 days.

The SPEAKER. Does that apply to both Members?

Mr. MANN. No; only to the gentleman from Pennsylvania [Mr. BOWMAN].

The SPEAKER. The request is that within 10 days the gentleman from Pennsylvania [Mr. BOWMAN] shall send his remarks to the Public Printer, and then the gentleman from Ohio [Mr. ANSBERRY], at any time he chooses, shall have the right to file a rejoinder.

Mr. CANNON. Within another 10 days?

Mr. BURLESON. No; the gentleman from Ohio is gone, and we can not reach him.

The SPEAKER. Is there objection to the request of the gentleman from Illinois as modified? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GILLET. Mr. Speaker, was my request put?

The SPEAKER. What is the gentleman's request?

Mr. GILLET. Mr. Speaker, some time ago I made a request that I be given unanimous consent to extend my remarks in the RECORD on the Army appropriation bill.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I make the same request, and in connection with the gentleman's request I ask that all gentlemen who spoke on the dam bill which was passed this afternoon be permitted to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLET] asks unanimous consent to extend his remarks in the RECORD upon the Army appropriation bill; and the gentleman from Mississippi [Mr. HUMPHREYS] couples with that the request that every gentleman who spoke on the bill called up by the gentleman from Alabama [Mr. HEFLIN] this afternoon shall have the right to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my remarks upon the question of passport to Jewish citizens.

The SPEAKER. Is there objection?

There was no objection.

Mr. UTTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article written by Gov. Pothier, of Rhode Island, on the subject of noise.

The SPEAKER. Is there objection?

There was no objection.

The article referred to is as follows:

Noise is an expedient used to-day by men who would confuse, break down, and destroy.

Noise is an expedient of those who, from motives of personal ambition or dissatisfaction, would seek to overthrow the established institutions of our republican form of government; to change the existing order of things and to set up in its place something of their own fashioning.

We see instances of this every day. We have seen instances of it for the past 50 years.

And the reason the American people have not been overwhelmed by noise is because the American people think.

Thought is the most effectual weapon with which to combat noise.

The power of thought is given to every human being, and it is to the interest of every human being to cultivate this faculty, that he may be able to determine the true from the false—the real from the visionary.

The capacity for thinking clearly and logically is more highly developed in America than anywhere else on the face of the globe.

Under our free form of government, where men are the masters of themselves, they are encouraged by their very environment to think for themselves.

The great majority are able to do their own thinking in the face of

oise and in spite of attempts to confuse them.

But there are many, very many, whose ideas become confused when the noise becomes great, and with whom the efforts of the noise makers to mislead are, at times and in some degree, successful.

It is to those people who unwittingly permit noise to overwhelm their reason that the demagogue addresses himself.

It is upon those people that he depends for support in his ontery against our system of government.

It is to them that he appeals, in phrases calculated to arouse passion and prejudice, to stimulate enthusiasm, and to incite an uprising against fancied grievances.

Our political life is full of illustrations.

Not many years ago the cry of the demagogue was—as in a measure it still is to-day—"the workingman."

It was heard everywhere.

It was the keynote of the spellbinders of all political parties. It was the clarion call used for all sorts of purposes, until the working-man began to fancy that he was the especial protégé to be looked after, and his interests made the personal concern of every candidate for office of whatever party.

Next it was "the dinner pail."

From every rostrum the magic word resounded throughout the land, and "the dinner pail" became the slogan by which the masses were to be swayed.

A little later there was another modification, and "the people" became the battle cry of the political exhorters.

It was the open sesame to prestige and power.

To-day we see the process of evolution carried one step farther, and "Progressive" has become a rallying cry.

The time has again come for the American people to think.

They must ask themselves, "What is progressiveness?"

What kind of progress does progressiveness, as it is professed by those who are shouting it most loudly, mean?

What policies of government, what economic principles, what industrial program, what character of political adjustment, will result in real progress for the American people?

The noise makers are already abroad in the land, ready with their own answers to these questions.

Some of them tell you that the policies of Government under which we have lived for three generations, with the vested rights of our citizens protected by a Constitution and the operation of that Constitution safeguarded and perpetuated by a judicial system that brooks no contempt, are the only ones under which the Republic can endure.

Others declare that the Constitution is a halter about the necks of the people by which the courts are leading them servilely hither and thither according to the dictates of a soulless plutocracy; that your only relief is a system whereby judicial decisions and the judges themselves can be recalled by the people at will, and the Constitution thus remodeled in a day to suit a passing fancy.

Some will tell you that industrial prosperity in this country can be perpetuated only by the policy of protection to American industries which has prevailed for the past half century.

Others will declare that the protection policy is restricting the market in which the consumers may purchase the necessities of life, while enabling the producers of commodities to maintain prices at a level which is enriching them and impoverishing the consumer through "the high cost of living."

Some will tell you that the most perfect political adjustment lies in our present form of representative Government; that legislation by the whole people is cumbersome and impracticable, and that the remedy for ill-advised legislation is by the ballot.

Others will declare that the people should initiate their own legislation, and that the work of their representatives should be subject to revision and to repeal by the people at will; and likewise that the veto power of the Executive should be susceptible of similar review by a popular majority.

Much noise will be made by the men who will harangue the people on both sides of these questions.

A very noisy noise will be made about the high cost of living and the causes thereof.

The high cost of living is a subject on which the great mass of consumers in this country should think and think deeply, that they may arrive at the truth and not be misled by noisy contentions.

They must think clearly, and ask themselves if there are not other causes for the prevailing prices of commodities than the fact that the production of those commodities is protected by our tariff laws.

They should examine carefully every item of expense that goes into the manufacture and handling of various articles of consumption and general use, from the time the raw material is gathered until the article is sold over the counter.

They should consider the expense of gathering the raw material, and see if it has increased within the past generation.

They should consider the item of transportation of this raw material to the factory, and see if there has been an increase in expense there.

They should, in their mind's eye, contemplate the various processes to which the raw material is subjected in producing the finished product, and ask themselves if these various processes can be performed as economically as they could a few years ago.

They should take into consideration the cost of transportation of the finished product to market; the cost of handling this product through the wholesale houses and by the retailers, and the cost of selling it over the counter, and should ask themselves if there has been any increased expense involved in these various stages of the journey.

They should ask themselves if the higher wages which are to-day paid American workmen have not increased the cost of gathering the raw material, of transporting it to the factory, or producing the finished product, of transporting the finished produce to market, of delivering it over the counter through the salesman or saleswoman into the hands of the ultimate consumer.

Then they should ask themselves if this increase in wages all along the line is not, in fact, the principal element that has entered into the increase in the price of practically every commodity to the consumer.

They should ask themselves if the average increase in wages of workmen and working women in nearly every line of industrial activity in the country has not increased the purchasing power of those workmen and working women to a degree equal to, if not in excess of, the increased cost of the necessities of life which they purchase with their increased wages.

They should ask themselves honestly if they are not living better to-day than they or their fathers and mothers were living 20 or 30 years ago.

After they have settled these questions to their own satisfaction by honest thinking, they should ask themselves whether they can honestly believe that without our system of protection to American industries—that without the assurance to the American manufacturer that he will receive a price for his goods commensurate with the cost of production—the American wage earner could possibly continue to command or expect from the manufacturer the same scale of wages that he now receives.

The noise makers tell you that this country has been deprived of her "natural industrial expansion and progress" by the system of protection.

But the United States census figures show that from 1904 to 1909 the capital invested in manufacturing increased from \$12,675,000,000 to \$18,428,000,000; that the value of products increased from \$14,

793,000,000 to \$20,672,000,000; that the number of wage earners increased from 6,213,612 to 7,678,578, and that wages increased from \$2,610,000,000 to \$3,427,000,000.

The cotton industry, in which New England is heavily interested, increased its products \$290,000,000 in the 10 years from 1899 to 1909; while the woolen industry showed an increase of \$210,229,000.

Do these figures show that our country has been deprived of her "natural industrial expansion and progress," or do they demonstrate that we have enjoyed a period of remarkable development?

I do not believe that you believe that a change in our protective policy offers the solution to the high cost of living.

I believe that you realize fully that such a change could mean only one of two things—either that our machinery must stop for lack of profitable employment or our wages must be cut down to the foreign level.

There is, however, one item affecting the price of commodities to the consumer which we may well consider seriously.

The cost of transportation is a continual subject of dispute between shippers and merchants and the transportation companies.

It is so important an item that the Government maintains a department charged with the specific duty of regulating transportation rates.

As the industries of the country, and especially of New England, continue to grow and multiply, traffic will become more and more congested, and the expense incident to delayed shipments and the loss on perishable goods increase.

The only solution is increased transportation facilities by both land and water.

I believe that such an increase can not come too soon.

The railway systems that now serve New England will presently be supplemented by a great transcontinental system which has already undertaken extensive preparations for sending its branches into Boston and into Providence.

It will not be many years, at the rate our industries and our population are growing, before the additional facilities thus afforded will be found to be an actual necessity, and the wisdom which prompted their admittance to our New England ports appreciated and applauded.

With the trade centers of the great Northwest and of the ports of the South Atlantic brought into direct communication with us by this means, and with improved avenues of waterway communication between New England and the distributing points on the Atlantic coast, which are certain to follow the determined agitation in their behalf, we shall see, I believe, a decrease in transportation charges and a resultant decrease in the price of the commodities which we import from every section of the country.

A thoughtful study of the economic bearing of these questions—of their relation to the cost of living and the welfare and prosperity of our citizens—is the best antidote for noise.

Noise must not be permitted to drown thought.

While the noise makers are busy, think.

And the more noise they make the harder you must think.

A. J. POTHIER.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent, and particularly that of the gentleman from Alabama [Mr. UNDERWOOD], for the extension of my remarks in the RECORD, in order that I may publish an open letter written by George C. Hetzel, a wool manufacturer of Chester, Pa., to the Hon. OSCAR W. UNDERWOOD.

The SPEAKER. Is there objection?

There was no objection.

Unanimous consent was granted to the following gentlemen to extend their remarks in the RECORD: Mr. BURLISON, Mr. HAUGEN, Mr. HAYDEN, Mr. BULKLEY, Mr. BUCHANAN, Mr. FAISON, Mr. LAFFERTY, Mr. FARR, and Mr. McMORRAN.

Mr. GILLET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, for the purpose of printing a short statement by the Attorney General upon the antitrust prosecutions.

Mr. JAMES. Does the gentleman say it is short?

Mr. GILLET. Yes.

Mr. JAMES. As it is like the prosecutions against trusts, I shall not make any objection.

The SPEAKER. Is there objection?

There was no objection.

Unanimous consent was granted to extend their remarks in the RECORD to Mr. CRUMPACKER, Mr. HILL, Mr. NEEDHAM, Mr. STEENBERSON, and Mr. TOWNER.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the dam bill which was passed this afternoon.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I find that there is objection to the proposition I offered a short time ago, and I shall not renew it.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. BROWNING] to discharge the Committee on Naval Affairs from the consideration of the bill to which he referred.

Mr. MANN. Mr. Speaker, as I understand it, this is a private bill.

The SPEAKER. It is a private bill to extend the time in which some one may enter the public service.

Mr. MANN. Mr. Speaker, does the Speaker give recognition for the purpose of asking unanimous consent to consider a private bill?

The SPEAKER. The Chair thinks, under the circumstances, that the Speaker ought to decline any request of the kind. That is the rule.

PENSIONS.

Mr. CRAGO. Mr. Speaker, I call up the conference reports on the bills H. R. 24602, 24322, 24996, and 25166, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, and I move the adoption of the conference reports on the several bills.

The Clerk read the conference reports, as follows:

CONFERENCE REPORT (NO. 1221).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24602) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

DAN. A. DRISCOLL,
IRA W. WOOD,

Managers on the part of the House.

P. J. McCUMBER,
HENRY E. BURNHAM,

Managers on the part of the Senate.

STATEMENT.

Amendment No. 1, the case of Frank E. Lyman (H. R. 7169): The House passed this item at \$24 per month. The Senate increased the amount to \$50 per month, partly on the grounds that the soldier should have been retired for disability and partly on the grounds that later evidence filed with the Senate Committee on Pensions is to the effect that soldier is almost totally helpless. The House recedes from its disagreement to the amendment of the Senate.

Amendment No. 2 is simply inserting the word "dependent" to correct the record, and is in accordance with the usual custom in such cases. The House recedes,

DAN. A. DRISCOLL,
IRA W. WOOD,

Managers on the part of the House.

CONFERENCE REPORT (NO. 1222).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24322) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 8, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate amendment insert:

"The name of John H. Brown, late U. S. S. Worden, United States Navy, and pay him a pension at the rate of \$12 per month."

And the Senate agree to the same.

DAN. A. DRISCOLL,
IRA W. WOOD,

Managers on the part of the House.

P. J. McCUMBER,
HENRY E. BURNHAM,

Managers on the part of the Senate.

STATEMENT.

Amendment No. 1, the case of Anna J. Mellstrup (H. R. 3674): The House proposes to grant a pension of \$12 per month to the dependent mother of a sailor of the United States Navy who was killed by the destruction of the battleship *Maine*. The evidence in the case clearly shows that at the time of sailor's death the beneficiary could not be classed as the dependent mother of the sailor, as her husband was living at that time. The husband died in 1909 and left the widow considerable property. The Senate struck the item from the bill on

the grounds that the facts do not justify granting a pension to the lady as the dependent mother of the sailor, and the House recedes from its disagreement.

Amendment No. 2, the case of John H. Brown (H. R. 4583): The House proposes to grant a pension of \$15 per month in this case. The Senate struck the item from the bill, and the conferees agreed that, giving the soldier the benefit of the doubt, he did incur some disability in the service, and recommended that a rate of \$12 per month be allowed. The House recedes from its disagreement and agrees to the amendment with an amendment reinserting the item at \$12 per month.

Amendment No. 3, the case of George C. Rimes (H. R. 11342): The House passed the item at \$12 per month and the Senate struck it from the bill. It appears that the soldier is totally blind from the effect of taking poison with suicidal intent, probably due to mental derangement due to service. The Senate recedes from its amendment.

Amendments Nos. 4, 7, and 8 are the cases of William Ramsey (H. R. 12436), Wesley J. Banks (H. R. 14649), and John G. Morgan (H. R. 18814): These are cases where the House proposes to increase the pension of soldiers of the Mexican War to \$30 per month. A general law has since been passed which grants all soldiers of that war that amount, and they can receive it by applying at the bureau, hence the Senate struck the items from the bill, and the House recedes from its disagreement to those amendments.

Amendments Nos. 5 and 6 are simply corrections of the record by inserting the names of the ships on which the sailors served, and do not affect the items, except to make identification more certain. The House recedes from its disagreement to those amendments.

Amendment No. 9, Charles Myer (H. R. 20999): The soldier incurred slight disability from malaria in the service. He is now blind, but the evidence is not very conclusive that blindness was due to service. The House passed the bill at \$24 per month; the Senate struck the item from the bill and, in the opinion of the conferees, additional proof should be furnished; therefore it is recommended that the House recede from its disagreement to that amendment.

DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.

CONFERENCE REPORT (NO. 1220).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24996) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

DAN. A. DRISCOLL,
IRA W. WOOD,

Managers on the part of the House.

P. J. McCUMBER,
HENRY E. BURNHAM,

Managers on the part of the Senate.

STATEMENT.

Amendment No. 1, the case of Elizabeth L. Bayless (H. R. 6978): The House passed this at \$12 per month and \$2 additional for each of the minor children. The Senate struck it out on the grounds that the soldier's death was not due to service, he having been killed by a maniac while he was confined to his bed from a disability incurred in the service. It is of course true that his death was not directly due to service, but in view of the fact that he was suffering from a very aggravated case of consumption, which would have resulted in his death in a short time, and which prevented him from protecting himself from the maniac, the conferees took the charitable view of the case, and the Senate recedes from its disagreement striking the item from the bill.

Amendment No. 2 is merely a correction of service of the sailor by inserting the name of the ship upon which he served, and the House recedes from its disagreement to that amendment.

DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.

CONFERENCE REPORT (NO. 1219).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25166) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

DAN. A. DRISCOLL,
IRA W. WOOD,

Managers on the part of the House.

P. J. McCUMBER,
HENRY E. BURNHAM,

Managers on the part of the Senate.

STATEMENT.

Amendment No. 1, the case of Samantha Morrison Flint (H. R. 18135). This is a case in which the House proposes to grant a pension to the daughter of William Morrison, who, it is alleged, served in the Revolutionary War. There are no pensioners on the rolls at the present time on account of service in the Revolutionary War. It is true that in years gone by in a few cases daughters of Revolutionary War soldiers were pensioned, but the practice has always been regarded as questionable, and no bills of that character have been passed in a decade. The item was stricken from the bill by the Senate on the grounds that it is unwise to reopen that roll at this date. The House recedes from its disagreement to that amendment.

Amendments Nos. 2, 3, and 4 are simply amendments to correct the military record of Gen. Lee in accordance with the records of the War Department and have nothing whatever to do with the amount allowed, and the House recedes from its disagreement to these amendments.

DAN. A. DRISCOLL,
IRA W. WOOD,

Managers on the part of the House.

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

The conference reports were agreed to.

PUBLICITY OF CONTRIBUTIONS MADE FOR INFLUENCING ELECTIONS.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. BULKLEY].

Mr. BULKLEY. Mr. Speaker, I move to discharge the Committee on Election of President, Vice President, and Representatives in Congress from the further consideration of House resolution 679 and ask for its present consideration. It is a privileged resolution of inquiry.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 679.

Resolved, That the Attorney General be, and he is hereby, requested to inform the House of Representatives what, if any, steps have been taken by the Department of Justice to prosecute violations of the act of June 25, 1910, providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, as amended by the act of August 19, 1911.

Mr. MANN. Mr. Speaker, reserving the right to object, what is that?

The SPEAKER. It is a resolution which becomes privileged under the seven-day rule.

Mr. BULKLEY. Mr. Speaker, my motion to discharge the committee is not intended as any discourtesy to the committee, and I yield such time as he may desire to the gentleman from Missouri [Mr. RUCKER], the chairman of the committee, to make a statement.

Mr. GARDNER of Massachusetts. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. I make the point of order that a motion to discharge a committee is not debatable. The committee has to be discharged first before there can be debate.

The SPEAKER. The Chair thinks that point is well taken.

Mr. BULKLEY. I ask for a vote.

The SPEAKER. The question is on the motion to discharge the Committee on Election of President, Vice President, and Representatives in Congress from the further consideration of the resolution.

Mr. RUCKER of Missouri. Mr. Speaker, I hope that motion will be agreed to.

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

Mr. BULKLEY. Mr. Speaker, I now yield to the gentleman from Missouri for such statement as he may desire to make.

Mr. RUCKER of Missouri. Mr. Speaker, I will only consume a moment. This measure was presented to me with the request that it be considered by the committee, but I found some difficulty in getting a committee meeting; and it was my opinion, after talking with some of the Members about it, that there was no objection to taking this course, discharging the committee and considering the resolution by unanimous consent. I hope the resolution will pass.

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

Mr. RUCKER of Missouri. Certainly.

Mr. MANN. Mr. Speaker, may I ask the gentleman whether there is any penalty for a candidate for Congress who either does not file a statement of expenses and receipts at the primary or at the election?

Mr. RUCKER of Missouri. I think there is.

Mr. MANN. What is the penalty?

Mr. RUCKER of Missouri. A fine of not exceeding \$1,000, or imprisonment not more than one year, or both.

Mr. MANN. Is the gentleman sure that applies? I venture to say that not more than half the men who have been candidates for Congress at the primaries have filed both a statement before and after the primary. I am not referring now to gentlemen in the House who may be well informed upon the subject, but to gentlemen throughout the country.

Mr. RUCKER of Missouri. Mr. Speaker, if I may answer the question, I am inclined to think the gentleman's statement is correct. I am inclined to think a good many have not, technically at least, complied with the law. I believe, however, that in most instances the failure grows out of a misapprehension—

Mr. MANN. I wondered whether there was a penalty. A very distinguished reformer was a candidate against me at the primaries, and I believe he filed a statement before the primaries stating he had expended no money; but he has filed no statement since, and I requested some time ago the Clerk to give me a list of those who had filed in certain districts in Illinois. I am satisfied that not more than half the people who were candidates complied with the law, but I did not recall whether there was a penalty against that provision of the law.

Mr. OLMSTED. If the gentleman will allow me for just a moment. The act to provide for publicity of contributions, and so forth, approved June 25, 1910, in the tenth section provides:

That every person willfully violating any of the foregoing provisions of this act shall, upon conviction, be fined not more than \$1,000 or imprisoned not more than one year, or both.

Now, the act of August 11—an amendment to that act—which amends sections 5, 6, and 8—

Mr. RUCKER of Missouri. Inserts a new section 8.

Mr. OLMSTED. It was generally considered at that time that a penalty would attach for any violation of the act of 1910 as amended.

I notice, however, that the reading is, "violating any of the foregoing provisions of this act." Now, whether the insertion of the new section, section 8, would be subject to a penalty, would raise a question; but the intention of penalties should attend to all violations of the act.

Mr. MANN. The gentleman from Kentucky [Mr. JAMES] the other day, when we had under consideration the proposition to amend the publicity act as to where the affidavit should be sworn to, stated in his opinion that that portion of the act was merely directory. Now, suppose some gentleman in the House or some candidate for Congress has not sworn to his statement at the correct place, is he liable to this penalty? He has not complied with the act. Whether he has violated the act I do not undertake to say. Is this provision with reference to filing statements a mere suggestion to men who are candidates, or is it compulsory upon them? It seems to me that the act itself needs amending so that it may be known whether the man who runs for Congress at the primaries or at the election with no intention of complying with its provisions is subject to any penal provision.

Mr. JAMES. My statement was as to where this law required the affidavit to be made, whether in the State or by the Member here when in attendance upon his duties. My position was that the Government could not come along with a prosecution and say you made the affidavit, but you ought to have made it in the State instead of in Washington. They would say, "We have you indicted here. You took the oath in one place instead of another." I said the place where the oath was taken was directory, and I do not think any court would hear for a moment any such contention that he could not swear to the affidavit in Washington instead of where he was

elected in the State, when the Federal court has jurisdiction of either place.

Mr. MANN. That may be correct, but the same direction applies to filing the statement at all. If one is directory the other is.

Mr. RUCKER of Missouri. I do not believe the gentleman from Kentucky is correct, though it may be. I believe there is a reason for the law as it is written. That reason appears in the act itself, and I think it is obligatory upon the candidate to make the affidavit as required by that statute, unless the affidavit shall be made since the last amendment.

Mr. JAMES. In regard to filing of statement—and I know of some in Kentucky—it is not where gentlemen fail to file statements, perhaps as required by law, according to the technical construction of it, but as to whether they willfully did. That is the point.

Mr. MANN. The gentleman says the question is not pertinent. It seems to me it is. Here is a resolution asking the Attorney General if he has made any prosecution against Members of Congress, although he does not say that, or anybody else, for not filing statements under the publicity act.

Mr. RUCKER of Missouri. I want to say to the gentleman from Illinois I do not believe any district attorney will prosecute in any case where the candidate is a Member of Congress in attendance upon Congress and has made his affidavit here and filed it. I want to say that I did not initiate this movement, and there are reasons why I would not have initiated it. I am satisfied that a certain reformer, to quote from the gentleman from Illinois [Mr. MANN], in my district has not complied with the law. He says he did, but I am sure he did not.

Mr. BUTLER. It is not the proper thing to prosecute gentlemen under this law yet. It was passed only a year ago.

Mr. MANN. They send notices and blanks to all the candidates for Congress in my district.

Mr. RUCKER of Missouri. I quite agree with the gentleman from Pennsylvania [Mr. BUTLER]. I believe the American people have reached that stage in our national progress when they desire and demand real, actual, practical publicity, and at the next session of Congress, with the aid of such friends as will help me in the matter, I will attempt to revise this statute so as to provide for actual, practical publicity. In other words, I believe that the law should require each candidate for Representative to file a declaration of candidacy with the Clerk of this House, and require the Clerk of the House, after the time has passed for filing publicity statements, to notify the district attorney having jurisdiction of all instances in which candidates have failed to comply with the requirements of this law. I believe, moreover, in order to give practical publicity, that the candidate or candidates for Representative in Congress ought to be required, in addition to filing a sworn statement with the Clerk of the House, to furnish within the same time duplicates of his sworn statement to the opposing candidate or candidates for such nomination, so that there will be actual and effective publicity in the community most interested, and, if a wrong has been done, if money has been improperly used, or the limit of expense exceeded, those who are opposing each other will have opportunity to discuss it before the people before the primary election or the nominating convention is held.

Mr. CANNON. What would the gentleman say, provided it is advertised in the New York American and the Chicago Tribune?

Mr. RUCKER of Missouri. There are some places in which New York and Chicago papers are not read.

Mr. CANNON. Or to have the people fully informed in every country newspaper?

Mr. RUCKER of Missouri. I do not believe the gentleman understood me. My proposition is that the candidate who is required to file with or to mail to the Clerk of the House a statement under oath should be required to mail or deliver to his opponent or opponents a duplicate of that statement. Then it could be known and would be known in the community at least 10 days before the nomination if money is being improperly used or this law is being violated.

Mr. JAMES. As the gentleman from Pennsylvania [Mr. BUTLER] has stated, this law has not been on the statute books very long. Suppose a man comes up and says:

I did not know anything about this law, and I am perfectly willing to comply with it now and make my return under it; I have spent only forty or fifty dollars.

Mr. BUTLER. Many gentlemen find themselves in the position stated by the gentleman from Kentucky.

Mr. RUCKER of Missouri. I will say to the gentleman that ignorance of the law, of course, excuses no one. At the same time we are too generous to demand that gentlemen who have

failed to comply with the provisions of this law, because, as a matter of fact, they did not know of it, should be embarrassed by proceedings against them.

Mr. JAMES. I know a very distinguished gentleman who did not know that he ought to comply with this law, as he had not spent a dollar.

Mr. RUCKER of Missouri. I think the most distinguished gentleman in my district, in his own estimation, was in that condition, though he did spend money. [Laughter.]

Mr. CANNON. Why not amend this resolution by asking the Attorney General what steps he has taken to prosecute people guilty of violations of the white-slave act and every other penal statute? Let us have a clean out of the whole thing.

Mr. RUCKER of Missouri. I supposed that in the course of time the gentleman from Illinois would introduce a resolution along that line. I have given no attention to that matter.

Mr. CANNON. I suppose it will be in order to amend this resolution.

Mr. RUCKER of Missouri. Let me say, in all frankness and candor, to the gentleman that I did not initiate this resolution, and, while I would like to see it passed for the moral effect it will have, yet I would not of my own volition have started this movement, because I know one man, at least, who might be taken to task, and I do not care to pose as an informer.

Mr. CANNON. If the gentleman will yield to me, I will say that, so far as I am individually concerned, I have complied literally and truly with this law. I know of a gentleman—he is very much of a gentleman—who did not know about it, and he complied with the law after the primary. I doubt if he ever expended a cent.

Two other gentlemen, of whom I will not speak by name, were candidates and made a great deal of fuss. I suspect they are now genuine followers of the new party. They were candidates in my district on the Republican ticket, and on inquiry I find that they have never filed any statement whatever. But, after all is said and done, in the main I expect that this law has been quite as well observed as any other law upon the statute books, at least by Members that had knowledge of it.

I have no particular objection to the passage of this resolution, but I want to make the suggestion that, with the muckraking magazines and with the muckraking newspapers and with the hysterical condition existing with some people in the country, it is quite in good taste and in good policy to make motions of this kind and agree to them, calling the attention of the country to the matter, which is equivalent to an intimation, at least, that the average Member of Congress is under a cloud, and under suspicion, and all that kind of thing. I do not object to the law.

Mr. RUCKER of Missouri. Mr. Speaker, I want to make my statement as emphatic as I can that I heartily agree with the gentleman from Illinois [Mr. CANNON]. I do not believe that Members of Congress have willfully violated the publicity law. I believe that every one of them has desired and attempted to comply with the law.

I was told down in the Clerk's office that the construction placed on the law here is that an affidavit taken and subscribed to in the District of Columbia fully complies with the law, Congress being in session. I do not believe that construction is correct, but I do believe that the membership of this House in good faith has attempted to comply with the law; and I for one would not advise or advocate any procedure that would taint the character of any Member where it is apparent that his failure to comply with this new law—the existence of which is not generally known yet—is not due to a willful purpose to violate the law.

Mr. LONGWORTH. Did the Committee on Elections consider this resolution?

Mr. RUCKER of Missouri. I have just stated that the committee did not.

Mr. LONGWORTH. I could not hear what the gentleman said.

Mr. RUCKER of Missouri. My attention was called to this resolution, and I was requested to convene the committee for the purpose of considering it, and I will state to the gentleman frankly the two reasons why I did not convene the committee. One reason was the absence of a considerable part of the membership of the committee. Another reason is personal to myself. I know one man who, I think, has violated the law.

If I should be directly connected with the report and passage of this resolution it would look as if I was seeking to punish somebody, and I want to say to this House that I punished the one in my mind to my entire satisfaction on the day of the Missouri primary and seek no further punishment.

Mr. OLMSTED. While we are revising and amending this law, I want to ask the gentleman this question: The act of August, 1911, does not in itself contain any penal provision, does it?

Mr. RUCKER of Missouri. It does not.

Mr. OLMSTED. The act of 1910, to which the act of 1911 is an amendment, says that every person willfully violating "any of the foregoing provisions of this act" shall be fined not more than \$1,000 or imprisoned not more than a year. That is section 10.

That penalty is for violating "any of the foregoing provisions of this act." That is, the act of 1910. Now, I ask the gentleman if he thinks anybody violating any of the new provisions in the act of 1911 would be subject to that penalty of fine or imprisonment under the act of 1910?

Mr. RUCKER of Missouri. I think so; clearly.

Mr. OLMSTED. Would the "foregoing provisions" be those which were enacted a year later?

Mr. RUCKER of Missouri. I think they become "foregoing provisions" when they are inserted by the same legislative power, in the body of the original act. I do not believe that when a State legislature or this Congress enacts a criminal statute and sees fit to amend it by making something criminal to-day which was not criminal last year, that, therefore, we have got to add a new penal section to apply to the amendment or the amendment will become a dead letter.

Mr. OLMSTED. Penal statutes are, of course, always strictly construed, and I call this to the gentleman's attention in order that he may think of it when he comes to revise the law. It may be worthy of consideration.

Mr. RUCKER of Missouri. I will say to the gentleman that if I take another chance at it, after the experience and observation we have had in the practical workings of the law, I believe the feature under discussion can and will be made absolutely clear.

Mr. OLMSTED. I certainly doubt very much whether you could convict anybody of a violation of the act of 1911 under the act of 1910, which imposes a penalty only for the violation of the "foregoing provisions."

Mr. RUCKER of Missouri. I recognize the well-merited distinction of the gentleman as a lawyer, and I have great respect for his legal opinions, though I differ from him in the views he has just expressed.

Mr. BUTLER. I suggest to the gentleman who introduced this resolution [Mr. BULKLEY] not to press it for consideration now. A number of gentlemen have been candidates for Congress since this law was recently passed. The law was unknown to them. I know of at least one instance of a gentleman who was a candidate for membership of this House who did not comply with the provisions of this law because he was in ignorance of it. I should greatly deplore having this resolution put up to me for my vote. I would not want to embarrass the gentleman whom I have in mind, whose name I need not mention—a man who stands well in his community, living in obedience to all the laws of the land. I should not want to advertise him as a violator of any law. His good conduct at all times through a successful business life shows his desire to observe all laws regulating his conduct. Why not let this resolution stand for another year? Why not give the country an opportunity to become acquainted with the provisions of this law and what it requires of candidates for Congress? I can see no harm to come to the administration of justice if we allow the law to be well advertised and well understood before we move to enforce it. The passage of this resolution will only embarrass gentlemen who would violate no law, men who would not knowingly do wrong.

Mr. HUMPHREYS of Mississippi. In the meantime the statute of limitations will be running.

Mr. BUTLER. I do not know how long the statute of limitations may run. What I have in mind is the embarrassment of these gentlemen who, in the conduct of their campaigns at the delegate elections, have failed to comply with a statute of which they were ignorant, having failed innocently to do something which the law required them to do—simply an act of omission. If, when knowledge of this publicity act is spread abroad, a resolution like this should be passed by the House there could be no criticism of it, because the law will have then been on the statute books two or three years and everybody will be expected to be well acquainted with it. These recent candidates will be advertised as men who violate the law. I would not like to have this charge put up to me. This resolution is in the line of order, and its object is to expose infractions of law. It is, of course, in the right direction, but its passage should not be insisted upon at this time for the reasons I have given. If compelled I will vote against it, because I would not

like to give some men needless pain. However, it is for the gentleman who introduced it to determine. The House has the power to pass it.

Mr. BULKLEY. Mr. Speaker, I would deplore as much as the gentleman from Pennsylvania the putting in jail of any candidate who has neglected to file an affidavit, being in ignorance of this law. I think, however, we can leave to the Attorney General and to the courts the consideration of such circumstances as there may be in mitigation of any violation of the law. The gentleman speaks of advertising; can he suggest any better method of advertising than this, any better means of having this law known from one end of the country to the other than the means we are proposing here to inquire of the Attorney General what he is doing about it?

Let me call the attention of the gentleman to this fact: The resolution does not ask the Attorney General to take any action; it does not urge any action upon him; it simply asks him what he is doing. If there be anything in the suggestion of the gentleman from Pennsylvania [Mr. OLMSTED] that the penal provisions of the act of June 25, 1910, do not apply to violations of the provisions of the amendment of August 19, 1911, I think it most likely that this inquiry will elicit from the Attorney General an opinion upon that point, and it would be a very valuable opinion to have in connection with the proposed amendment of the law which the gentleman from Missouri intends to make next winter.

Mr. JAMES. Will the gentleman yield?

Mr. BULKLEY. Certainly.

Mr. JAMES. Is it not the duty of the United States district attorneys throughout the various districts of the United States to enforce the law, and not the duty of the Attorney General, except as to affidavits that may have been made in the city of Washington? Ought not the resolution, to get the full facts, to be directed to the Attorney General and the district attorneys? The Attorney General will have to make inquiry of the district attorneys in the various States to know whether they have instituted the prosecutions. I have no doubt that the Attorney General knows nothing at all about any prosecutions having been instituted in any of the various districts of Kentucky, where it is the duty of the district attorney to prosecute the cases, and not the duty of the Attorney General, only as it may apply to the city of Washington.

Mr. BULKLEY. I think the Attorney General is in a position to find out anything which is being done in his department. If gentlemen think it would be desirable to amend the resolution and add the district attorneys, I have no objection to doing that.

Mr. RUCKER of Missouri. I doubt very much, Mr. Speaker, whether the Attorney General or the district attorneys themselves, or any officer of the Government, will institute any prosecution until complaint is made. He has no official notice, there is no way for the Attorney General or any district attorney to know who the candidates were.

Mr. JAMES. The point I was directing the attention of the gentleman from Ohio to was that he is making inquiry of the Attorney General as to what steps he has taken to prosecute, when it is not his duty to prosecute. It is the duty of the district attorneys of the United States to make the prosecution.

Mr. BULKLEY. The resolution asks what steps have been taken by the department. I take it that that would include the district attorneys, although I am willing to accept an amendment including the district attorneys.

Mr. LONGWORTH. Will the gentleman yield?

Mr. BULKLEY. Certainly.

Mr. LONGWORTH. Has my colleague any particular case in mind that induced him to bring in this resolution?

Mr. BULKLEY. No; I understand there have been instances of failure to file expense statements, but I do not know by name anyone who has failed to file.

Mr. OLMSTED. May I ask the gentleman a question?

Mr. BULKLEY. Certainly.

Mr. OLMSTED. How would the Attorney General know who were the candidates who ought to file affidavits?

Mr. BULKLEY. I think if he is unable to find out he would probably say that in his answer to this resolution. I consider the value of the answer to be largely in helping us to perfect this law. If there is any such loophole in the law it ought to be amended. I believe the answer to this resolution will help us to perfect it.

Mr. OLMSTED. The Attorney General does not know who the candidates were. The Clerk of the House knows what candidates have filed affidavits.

Mr. BULKLEY. It is a public record, and the Attorney General can read it as well as anybody else.

Mr. OLMSTED. But he would not come up here to read it.

Mr. BULKLEY. He could send some one.

Mr. RUCKER of Missouri. The record here would not throw any light on the situation. The record will contain nothing until some one files a complaint. If nobody files a complaint, there will be nothing in the record.

Mr. KENDALL. Mr. Speaker, the Attorney General is liable to reply that he has not made any prosecutions because no complaints have been made.

Mr. RUCKER of Missouri. I take it that that would be his reply.

Mr. KENDALL. Then, what would be the use of this?

Mr. LONGWORTH. In other words, the record here consists merely of statements that have been filed.

Mr. RUCKER of Missouri. I suggested that the law ought to be amended to file a declaration of candidacy with the Clerk, and then require the Clerk to advise the legal department or the particular district attorney of the United States that certain men who had declared themselves candidates had not filed under the law. In that way it would give official notice.

Mr. BULKLEY. Mr. Speaker, I take it that the Attorney General has a broader duty than merely to act on complaints that come in. I think it is his duty to find out something about where there are violations of the law, and I really believe he will make a more thorough and comprehensive answer than the gentleman suggests.

I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. BULKLEY) there were—ayes 40, noes 1.

So the previous question was ordered.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BULKLEY) there were—ayes 5, noes 53.

So the resolution was rejected.

AGRICULTURAL COMMITTEE.

Mr. LAMB. Mr. Speaker, I ask unanimous consent to print in the RECORD a statement showing the work of the House Committee on Agriculture of the second session of the Sixty-second Congress.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to say that so far as I am concerned, the gentleman from Virginia may print everything that he desires to in the RECORD. My only regret is that he is not to be with us here for many years to come. [Prolonged applause.]

Mr. BUTLER. Mr. Speaker, I believe that to be the regret of every man in this House.

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

The statement is as follows:

WORK OF THE HOUSE COMMITTEE ON AGRICULTURE.

(Second session Sixty-second Congress.)

As is well known to the House, the Department of Agriculture embraces many and varied subjects, the chief of which are—
The Weather Bureau, with all its varied duties relating to climatic reports, etc.

The Bureau of Animal Industry, with the meat-inspection service, southern cattle tick work, the great dairy industry, and the breeding of horses for military purposes, and numerous other matters.

The Bureau of Plant Industry, charged with multitudinous duties relating to the cultivation and breeding of cotton, tobacco, fruit, vegetables, grains, grasses, and forage, as well as drug, medicinal, poisonous, fiber, and other plants, and the congressional seed distribution.

The Forest Service, with the care and administration of the 168,000,000 acres in the 163 national forests, and the conservation of the national resources therein, such as water power, grazing lands, etc., and the fighting of forest fires.

The Bureau of Chemistry, with investigations relating to agricultural chemistry in all its varied branches, the enforcement of the food and drug act, and collaboration with all other departments of the Government desiring chemical investigations; also the enforcement of the insecticide act.

The Bureau of Soils, with investigations of varied nature as to soil types, explorations for natural fertilizers, etc.

The Bureau of Entomology, charged with investigations looking to the suppression of the great insect pests, such as the cotton-boll weevil, the gipsy and brown-tail moths, the Mediterranean fly, the alfalfa weevil, and many others equally dangerous to all the many agricultural, horticultural, and arboricultural interests and truck crops of the country.

The Bureau of Biology, which investigates the food habits of the American birds and mammals in relation to agriculture, horticulture, and forestry, and preserves the bison and elk and other American game animals.

The Division of Publications, the duties of which are indicated by its title.

The Bureau of Statistics, which collects domestic and foreign agricultural statistics and disseminates the same.

The Office of Experiment Stations, which directs or exercises a general supervision over the land-grant colleges and the various experiment stations; not only in the continental United States but also in the insular possessions, with the exception of the Philippines.

This office also has charge of the nutrition investigations and the investigations connected with the great irrigation and drainage projects. The Office of Public Roads, the duties of which are to make inquiries in regard to the system of road making, investigate the best methods of road making and the best kind of material, and to furnish expert advice on road building and maintenance.

The House Committee on Agriculture, during the session now drawing to a close, has met 47 times, with flatteringly full attendance, and in addition to formulating the agricultural appropriation bill has considered and given hearings on many bills and resolutions on many and varied subjects, and has made favorable reports on the following:

H. J. Res. 117. House joint resolution amending the act of March 1, 1911, "For the acquisition of lands to conserve the navigability of navigable rivers." This is to cure a serious defect in the act referred to and to make possible the carrying out of the evident intent of Congress.

H. R. 14052. A bill authorizing certain important changes in the dates of making cotton reports through the Bureau of Statistics.

H. R. 24119. A bill known as the nursery-stock inspection bill, a most important measure for the protection of orchardists and growers of trees, vegetables, etc., one insect pest alone, viz, the San José scale, having already cost the orchardists of the United States over \$50,000,000, and is adding to this cost at the rate of \$5,000,000 each year.

H. R. 22871. A bill providing for the establishment of agricultural-extension departments in connection with agricultural colleges in the several States receiving the benefits of the act of July 2, 1862, and the acts supplementary thereto; to aid in carrying to the people useful and practical information on subjects relating to agriculture and home economics through field instructions, demonstrations, publications, and otherwise.

H. R. 22952. A bill providing that the United States in certain cases shall make compensation for the use of highways for carrying rural mail.

No practicable scheme of joint operations, using in part Federal and in part State money for road improvement, has yet been devised. One sole and responsible agency must do the work, and it is believed this act will accomplish the much-desired end.

H. R. 20738. A bill transferring from the jurisdiction of the Solicitor of the Treasury to the jurisdiction of the Secretary of Agriculture the so-called Olmstead lands in North Carolina, thus making them available for use in the conservation of navigability of navigable rivers without cost to the Government.

H. R. 36. A bill providing for the protection of migratory and insectivorous game birds of the United States. The economic aspects of this bill are twofold. The game birds yield a considerable and an important amount of highly valued food and the insectivorous migratory birds destroy annually thousands of tons of noxious weed seeds and billions of harmful insects.

H. R. 56. An antioption bill, relating to cotton transactions. The purpose of this bill is to restrict, so far as may be, those transactions on the cotton exchanges which are recognized as dealing only with the fluctuations in the price of cotton and which do not contemplate the actual transfer of the commodity, and it does not seek to prohibit or to interfere with a single legitimate transaction in cotton.

H. R. 18323. A bill bearing exactly the same relations to transactions in grain and other farm products as House bill 56 bears to transactions in cotton, and has exactly the same objects in view.

H. R. 24029. A bill providing for emergency crops on the recently overflowed lands in the Mississippi Valley; and needs no further comment.

H. R. 24828. An amendment to the oleomargarine law so as to include adulterated butter, and was urgently recommended by the Commissioner of Internal Revenue and the Department of Agriculture.

H. J. Res. 340. House joint resolution provides a small appropriation for use until the regular appropriation provided by the agricultural act shall become available for the suppression of an insect pest known as the army worm, which had recently become acute and which was doing great damage to the young crops of cotton and corn.

H. R. 26329. Is an amendment to the meat-inspection law, and is for the sole purpose of preserving the United States market for oleomargarine and renovated butter in the West Indies and Central and South America.

In addition to the foregoing separate bills the committee has provided in the general appropriation act for the Department of Agriculture for the fiscal year ending June 30, 1913, for the following new and additional measures:

1. Extension of the rules of meat-inspection service so as to cover inspection of renovated-butter factories.

2. Experiments in breeding horses for military purposes.

3. The establishment of an experiment station in the Great Plains section to demonstrate the kind and character of trees, plants and shrubs, etc., best adapted thereto.

4. Providing prompt and easy methods of opening to settlement in the national forests all lands therein adapted to homesteading.

5. Providing for surveying and listing lands within the national forests chiefly valuable for agriculture and describing same by metes and bounds.

6. Granting an additional 10 per cent of the receipts from the national forests for construction of roads, etc., to the States from which such receipts are derived.

7. Providing for the eradication of the chestnut-bark disease.

8. Provides for the establishment and maintenance of an agricultural experiment station devoted solely to the improvement and development of that most important vegetable—the potato.

It affords me the greatest pleasure to say in conclusion that while the labors of the committee have been arduous and unremitting, and the demands upon the time of the members most exacting, the chairman has always received, and hereby gratefully acknowledges, the hearty cooperation of the entire membership. No difficulty in securing a quorum has ever been experienced and the pleasant relationship and esprit de corps have greatly facilitated the transaction of business and made smooth the duties of the chairman.

JOHN LAMB, Chairman.

PUBLIC HIGHWAY IN CADDO COUNTY, OKLA.

Mr. FERRIS. Mr. Speaker, I call from the Speaker's table the bill (H. R. 16611) setting apart a certain tract of land for a public highway, and for other purposes, with a Senate amendment thereto, and I move to concur in the Senate amendment.

The SPEAKER. The gentleman from Oklahoma calls up a House bill with Senate amendments thereto, and the Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

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

The Senate amendment was agreed to.

ENROLLED BILLS SIGNED.

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

H. R. 25713. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. J. Res. 349. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Ada, Okla., in September, 1912;

H. R. 24996. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 24902. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 25166. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 13016. An act for the relief of the West Kentucky Coal Co.; and

H. R. 24322. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

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

H. R. 23112. An act to extend the limits of the port of entry of New Orleans, La.;

H. R. 25282. To authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River; and

H. R. 21094. To create a commission on industrial relations.

AGRICULTURAL EXTENSION.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 22871), and pending that, I ask the gentleman from Iowa [Mr. HAUGEN], whether we can not agree upon some time for general debate.

Mr. HAUGEN. Mr. Speaker, about how much time is desired by the gentleman?

Mr. LEVER. Mr. Speaker, I think this side could get along very well with thirty or forty minutes.

Mr. HAUGEN. Mr. Speaker, inasmuch as the gentleman has already used an hour and a quarter, I suggest that this side be given two hours, and that the gentleman be given one hour, or two hours. I am perfectly willing to have that done.

Mr. UNDERWOOD. Mr. Speaker, I suggest to the gentleman from Iowa that if he insists on running the general debate to the extent he apparently desires, he may jeopardize the passage of the bill at this session.

Mr. MANN. Mr. Speaker, let me make this suggestion, if I may, that there be two hours of general debate, and that then the bill be taken up under the five-minute rule, but that the whole of two hours be in the House instead of in the committee, so that as conference reports are ready we will be able to dispose of them and then proceed without any delay or point of no quorum upon the bill. I think we can get through with it in that way to-morrow.

Mr. UNDERWOOD. Mr. Speaker, if it is to be understood that no point of no quorum will be made, that is all right.

Mr. MANN. Of course, that can not be certain, but it would save the delay of rising to consider conference reports in the House. I think we will be able to agree on the Army appropriation bill in a very few minutes. I do not think the Indian appropriation bill will take very long. I do not know how long the sundry civil appropriation bill will take.

Mr. CANNON. The gentleman from New York [Mr. FITZGERALD] is not here, but I would suggest it would not take a great while.

Mr. MANN. If we could do that and go ahead with conference reports without rising, I think we can run through with this very rapidly.

Mr. UNDERWOOD. Well, I would like to-morrow to give an opportunity, if possible, to agree to allow some gentlemen who have private bills to ask unanimous consent for their consideration. I think it ought to be done before we adjourn.

Mr. MANN. I agree with the gentleman that ought to be done, and that probably could be done by sitting at night, or something of that kind.

Mr. UNDERWOOD. If we extend the time of general debate on this bill too long, I think we will cut off all opportunity for the other proposition.

Mr. MANN. Let me make this suggestion to the gentleman from Alabama: The Lever bill is a bill carrying about \$3,000,000 annually, and the Page bill in the Senate is a bill carrying in the neighborhood of \$15,000,000 annually when put into operation. It is perfectly apparent that the probabilities are that when the bill passes the House and goes to the Senate that the Page bill will be substituted in the Senate for the House bill. Then the bill will go to conference, and it seems to me in the consideration of this bill the two Houses ought to be fairly well informed in advance, because we have got to meet that question next winter, and we will not have as much time then, in the short session, as now.

Mr. LEVER. What is the gentleman's suggestion about time?

Mr. MANN. My suggestion was to take the time the gentleman from Iowa [Mr. HAUGEN] suggested, that we agree upon that time in general debate, and then take the bill up under the five-minute rule in the House without going into the Committee of the Whole at all, so we can run right along in connection instead of letting other things come in, excepting conference reports or such privileged matters.

Mr. UNDERWOOD. The gentleman understands, of course, this bill has the right of way in the House, and if we have not disposed of it and conference reports come in here to-morrow with this bill, and the conference reports, and so forth, having the right of way, there will be no opportunity whatever for gentlemen who have private bills, to many of which there is no objection, to get a chance to pass their bills.

Mr. MANN. I would be perfectly willing to assist the gentleman from Alabama, as far as I am concerned, and I will be willing to stay to-morrow night to get on the Private Calendar on a unanimous-consent agreement. Without a unanimous-consent agreement there will be no opportunity to get on the Private Calendar.

Mr. UNDERWOOD. I agree the only opportunity is by unanimous agreement, but I would like to see the opportunity given.

Mr. MANN. I agree with the gentleman.

Mr. LEVER. If the gentleman from Iowa will allow general debate to run for two hours, he to control one hour and a half and we to control 30 minutes—

Mr. MANN. As far as I am concerned, whatever time agreed to is satisfactory to me. If he has general debate to-night it is all right. I think it is desirable, if possible, that instead of having to rise out of the committee to-morrow or at any other time to consider conference reports that we stay in the House and proceed right ahead with the other business.

Mr. UNDERWOOD. With the understanding between the gentleman and myself, as far as we can do so, there will be no point of no quorum on this bill. Of course, we can not speak for everybody.

Mr. MANN. As far as I am concerned, I am friendly to the bill, but I do not know what anybody might do who is opposed to the bill, but I do not think anybody will make a point of no quorum at this stage of the proceedings.

Mr. CANNON. If there is nothing against the bill, then let us pass it by unanimous consent now if the gentlemen have got it as they want it.

Mr. LEVER. I will say to my friend from Pennsylvania I am quite willing to have the previous question ordered on the bill and pass it.

Mr. JAMES. If we do that, then we can have the debate after the bill is passed.

Mr. LEVER. But of course I would not be willing to make that motion, in fairness to the other side.

Mr. HAUGEN. I wish to say, in reply to the gentleman from South Carolina, that I know of no disposition on the part of anybody to delay proceedings on the passage of this bill, but a number of gentlemen have expressed a desire to speak on this bill, and it occurs to me, in justice to these gentlemen, they

should be given at least a reasonable time, and it seems to me that two hours on this side and one hour more on the other side is a reasonable request; but if we could get along with less I would be perfectly willing to yield the time that we might take a vote earlier. It is now 4 o'clock, or a little after, and we can well afford to sit here three or four hours and pass this bill.

Mr. LEVER. The gentleman is willing to vote on the bill to-night if we give him time?

Mr. HAUGEN. Any time after we have given the gentlemen opportunity to speak on the bill.

Mr. CANNON. I hope and believe that this bill will pass. We commenced this morning pretty early. It is very hot weather, and I hope, as there is no great question about the passage of it, that you will not go beyond ordering the previous question by unanimous consent, especially if the yeas and nays are to be called. Frankly, I want to get out and get a little fresh air. I do not want to vote on a yea-and-nay vote to-night.

Mr. MANN. I want to make a suggestion, if I may, that the gentleman from Alabama [Mr. UNDERWOOD] ask unanimous consent that general debate on this bill run two hours and a half, two hours on this side and a half hour on the other side.

Mr. LEVER. That will be plenty of time. I think you could get through with one hour and a half on your side.

Mr. MANN. And that the bill be then considered for amendment in the House, and after the final disposition of this bill it shall be in order for the Speaker to recognize requests for unanimous consent for bills on the Private Calendar.

Mr. CANNON. To-morrow?

Mr. MANN. Yes.

Mr. LEVER. After this bill has been finished?

Mr. MANN. After the conclusion of this bill.

The SPEAKER. Have the gentlemen come to any agreement?

Mr. UNDERWOOD. The proposition is this: I ask unanimous consent that this bill may be considered in the House and that general debate shall be limited to two hours and a half, two hours to be controlled by the gentleman from Iowa [Mr. HAUGEN] and half an hour by the gentleman from South Carolina [Mr. LEVER], at the end of which time the general debate shall be closed. The bill shall then be considered in the House as in the Committee of the Whole under the five-minute rule, and after the disposition of this bill, in the balance of the time that is not taken up with conference reports or great public business, the Speaker shall be authorized to recognize gentlemen who ask unanimous consent for the consideration of bills on the Private Calendar to-morrow.

Mr. CANNON. Not to the exclusion of a question of consideration.

Mr. ADAMSON. Just to-morrow, and not Saturday?

Mr. UNDERWOOD. To-morrow.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the bill shall be considered in the House. There shall be two hours and a half of general debate, two hours to be controlled by the gentleman from Iowa [Mr. HAUGEN] and 30 minutes by the gentleman from South Carolina [Mr. LEVER]. At the end of that time that the bill shall be considered under the five-minute rule in the House as in the Committee of the Whole—for how long?

Mr. UNDERWOOD. Until the bill is completed.

The SPEAKER. Until the bill is completed; at which time the previous question shall be considered as ordered.

Mr. UNDERWOOD. I will ask the Speaker to put that question first, and then I will make the other request.

The SPEAKER. Is there objection?

Mr. CANNON. I should like to suggest to the gentleman that the previous question be considered as ordered after the debate is closed. In other words, no vote on it to-night or any other business to-night.

Mr. UNDERWOOD. I will say to the gentleman from Illinois it may be possible that the Army bill may get back in here this afternoon, and I would not like to foreclose the question of its passage.

Mr. MANN. Oh, no; do not raise that question.

The SPEAKER. It is the understanding, is it, that this bill is not to interfere—

Mr. UNDERWOOD. I will put the request again, Mr. Speaker. My request is that this bill shall be considered for two hours and a half in the House for general debate, two hours to be controlled by the gentleman from Iowa [Mr. HAUGEN] and half an hour by the gentleman from South Carolina [Mr. LEVER]; that at the end of that time the general debate shall close and the bill shall be considered in the House as in the Committee of the Whole under the five-minute rule; that when this bill is disposed of it shall be in order any time to-morrow

for the Speaker to recognize gentlemen to ask unanimous consent for consideration of bills on the Private Calendar.

Mr. CANNON. I do not want to object, but if I should leave and others should leave I do not want this bill to be considered under the five-minute rule. I am content with the bill as it stands, with the committee amendments, but with a handful of people considering it under the five-minute rule the Lord knows what providential things might go on it. Therefore I hope the gentleman will modify his request so that after the two hours and a half, which will bring us to 7 o'clock, that then the consideration shall go over until to-morrow at 11 o'clock under the five-minute rule.

Mr. MANN. That is, under the five-minute rule to-morrow?

Mr. CANNON. Yes.

Mr. MANN. That is under the five-minute rule to-morrow?

Mr. CANNON. Yes.

Mr. MANN. That will be done anyhow.

Mr. UNDERWOOD. I will say to the gentleman, outside of the agreement, that after two hours and a half of debate upon this bill to-night the bill will go over under the five-minute rule. I do not want to interfere with conference reports if they should come in.

Mr. MANN. There is no prospect of disposing of this bill under the five-minute rule to-night.

Mr. GARRETT. Mr. Speaker, if I can get a chance I would like to ask some one a question about it. Is the gentleman from Iowa [Mr. HAUGEN] opposed to this bill?

Mr. HAUGEN. I am not.

Mr. GARRETT. The gentleman is favorable to the bill?

Mr. HAUGEN. I am.

Mr. GARRETT. It seems that this time is all to be disposed of by gentlemen who are in favor of the bill.

Mr. HAUGEN. Oh, no.

Mr. GARRETT. There are some gentlemen on this side of the House who doubt the wisdom of the passage of the bill, "one of whom I am which" [laughter], and there are other gentlemen who are inclined to be directly opposed to the bill. I do not mean to say that I am opposed to it, but there are some gentlemen who are positively opposed to the bill, and I think they ought to have some time.

Mr. LEVER. I will say to the gentleman from Tennessee that only one gentleman opposed to the bill has requested any time, and I have promised to yield to him.

Mr. HAUGEN. And I propose to yield time to the gentleman.

Mr. GARRETT. I know of a gentleman who is opposed to the bill and who will have something to say on it.

Mr. HAUGEN. When I say I am for the bill I mean that I am for it generally, but I would like to see it amended in some particulars.

Mr. MANN. I think there will be a fair division of the time.

The SPEAKER. The suggestion of the gentleman from Alabama [Mr. UNDERWOOD] is that the bill be debated for 2 hours and 30 minutes—2 hours to be controlled by the gentleman from Iowa [Mr. HAUGEN] and 30 minutes by the gentleman from South Carolina [Mr. LEVER]—and then that the bill shall go over until to-morrow, to be considered under the five-minute rule. Is that all of the request?

Mr. UNDERWOOD. And after the bill is disposed of it shall be in order for the Speaker to recognize to-morrow gentlemen who ask unanimous consent for the consideration of bills on the Private Calendar, provided it does not interfere with the public business.

The SPEAKER. And after this bill is disposed of to-morrow the Chair is authorized to recognize gentlemen who have bills on the Private Calendar, but not to interfere with the public business, such as the consideration of conference reports.

Mr. UNDERWOOD. That is, for unanimous consent.

The SPEAKER. Yes; for unanimous consent. Is there objection?

Mr. BLACKMON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from South Carolina [Mr. LEVER] in charge of the bill if he will accept an amendment which would prevent the bill from interfering with the present activities of the farmers' cooperative demonstration work which is now being conducted by the Government?

Mr. LEVER. I will say to the gentleman that I would have to see that amendment and give it some consideration before making any promise as to that proposition.

Mr. BLACKMON. Before I can consent that this order should go through, I must be assured that some provision will be incorporated in the bill to protect the present methods that we have now, which seem to be doing a great deal of good. Otherwise I shall have to object.

Mr. MANN. Let me suggest to the gentleman that, after all, his objection will not help it any. We will go into Committee of the Whole on this bill now.

Mr. BLACKMON. I think not.

Mr. MANN. The gentleman will not be any better off. It will only interfere with the procedure in the closing days of the session, when every gentleman must make concessions to the convenience of the House.

Mr. BLACKMON. I appreciate the suggestion of the gentleman from Illinois that in the closing days of the session it is not a good idea to interfere with the public business, and I have entertained that view all along and have interfered with it very little.

Mr. MANN. I would not quarrel with the gentleman about interfering. The same thing will be accomplished, only at less convenience to the Members.

Mr. BLACKMON. I would like to have opportunity here to make a fight for certain corrections and modifications of this bill without which I believe it will be dangerous to pass it.

Mr. MANN. The gentleman will have an opportunity to make a fight under the five-minute rule. The rights of the gentleman are fully protected under the suggestion of his colleague [Mr. UNDERWOOD].

The SPEAKER. Is there objection?

Mr. CAMPBELL. Mr. Speaker, reserving the right to object, will there be an opportunity to call up bills, under suspension, before the end of this session?

Mr. MANN. There will not be.

The SPEAKER. That stands this way: The first and third Mondays in the month are suspension days, after we get through with the Unanimous Consent Calendar. It so happens that in the last three months we never have gotten through with the Unanimous Consent Calendar. There never was but one of those Mondays when anybody asked to call up a bill under suspension of the rules.

Mr. CAMPBELL. It is in order to move to suspend the rules during the last six days of the session.

The SPEAKER. But there are no "last six days" unless the two Houses fix the last six days.

Mr. MANN. And they will not stay here to accommodate anybody after they fix the last six days. After they know when they can go, they will go.

Mr. CAMPBELL. I think we should have an opportunity to call up bills under suspension of the rules.

The SPEAKER. But you can not call them up under suspension of the rules unless you suspend the rule itself, because the rule fixes the first and third Mondays. Is there objection to the request of the gentleman from Alabama touching this bill?

Mr. BLACKMON. Mr. Speaker, I have not entirely made up my mind to oppose this bill if it can be properly amended so as to protect this work, and therefore I shall not make any objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Now, Mr. Speaker, may we have a still further understanding, if possible? If the Army conference report is agreed to in the Senate—which I suppose is not very likely now; there was some talk of taking it up this afternoon—is the gentleman willing to say that at the end of the general debate on the Lever bill, if not sooner, the House will adjourn, and that nothing else will be taken up except the Army conference report, if that comes in?

Mr. UNDERWOOD. I will say to the gentleman that I will make a motion to adjourn when the general debate on this bill is finished this evening, provided these conference reports do not come in in the meantime.

Mr. MANN. And that nothing else will be taken up except conference reports.

Mr. SHERLEY. The sundry civil conference report may be in a position to be taken up.

Mr. MANN. I said nothing else except conference reports.

Mr. CANNON. The conference report on the sundry civil bill was submitted for printing to-day. It would have to go over until to-morrow under the rule.

Mr. SHERLEY. It might come up by unanimous consent.

Mr. CANNON. We had better have a gentleman's agreement.

Mr. MANN. It would expedite things if the Army conference report should come over and be agreed to. I do not think it will come over.

Mr. UNDERWOOD. I do not think it will come over, and we will adjourn at 7 o'clock.

Mr. MANN. Nothing else except conference reports and the general debate on this bill?

Mr. UNDERWOOD. I understand that there will be nothing else taken up except the general debate on this bill, and the consideration of the conference report if it should come over.

The SPEAKER. On the Army bill?

Mr. UNDERWOOD. Any conference report.

The SPEAKER. It is understood, then, that there will be nothing else done to-night except these two hours and a half of general debate, and the consideration of conference reports if any come in. Is there objection to that agreement?

There was no objection.

The SPEAKER. The gentleman from South Carolina is recognized for 30 minutes.

Mr. LEVER. Mr. Speaker, I suggest that the gentleman from Iowa occupy some of his time. I used an hour and fifteen minutes the other day.

Mr. HAUGEN. I yield 3 minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, among all the important questions which have a direct relation to the advancement of the welfare of human kind, none is of greater importance than that of the conservation of the natural resources, and particularly the conservation of the capacity of the soil to produce food. The essence of the Malthusian law of population is that the tendency of population to increase in numbers is greater than the increase of the capacity of the soil to produce food; that population, under normal conditions, will increase in a geometrical ratio, while the food products of the earth can increase in an arithmetical ratio at the most. The author of that great law predicted that the time would come, in the then comparatively near future, when the population of the earth would be so dense that there would be a struggle between individuals for means of subsistence, and that the strongest and the best adapted to that condition of industrial life would survive. While Malthus's prophecy respecting the multiplication of the inhabitants of the earth has not been verified in the full, yet the high cost of living, which is felt in all the civilized countries of the world, suggests the thought that the world may be feeling the influence of the Malthusian law at this time. The large increase in the price of the necessities and comforts of life in the last 25 years is a world-wide phenomenon. It is influenced comparatively little by tariffs or industrial trusts and combinations. The cost of living has increased relatively as much in free-trade England during those years as it has in protected America, France, or Germany. The price of food products is influenced chiefly by two factors:

First. The large increase in the world's stock of gold that has occurred during the last 25 years. I believe in the quantitative theory of money, applied, of course, only to standard money, money that is universally recognized as a measure of value. The quantitative theory of money can not relate to silver nor to paper currency, because they do not have any share in the measurement of values.

Second. The most common, and, perhaps, the most potent factor in the high cost of food is the obvious fact that consumption is outrunning production. Beef animals are selling in the markets of the country to-day at \$10.50 per hundred pounds on the foot, in gold. This is the highest price for which beef animals have ever sold in this country. The chief reason for this exceptionally high price is that there is a scarcity of beef animals in the country. This same reason holds true, in a greater or lesser degree, respecting all other lines of food.

The situation, as a whole, impresses upon the Government the imperative necessity of encouraging in every legitimate way the increase of food production. Great work has already been accomplished by the Department of Agriculture in collecting and disseminating knowledge respecting soil adaptation and scientific methods of culture, harvesting, and marketing the products of the farm. When I first became a Member of this body the annual appropriations for the maintenance of the Department of Agriculture were about \$3,000,000 a year, and now they amount to nearly \$15,000,000 a year. There has been an increase of substantially 500 per cent in appropriations for agricultural experiments, research, and dissemination of information in the last 15 years, and in my judgment no money paid out of the common Treasury has yielded to the people of the country as a whole larger or more beneficent returns than that which has been expended in improving methods of farming and marketing.

The preservation of the fertility of the soil is of vital importance. In some sections of the country methods of culture are such that the virgin fertility of the soil is early exhausted, and the capacity of the soil in a rapidly growing population is gradually depreciating. This ought not to be. There seems to be a scarcity of some lines of food in this country to supply a

population of only ninety millions. If all the arable lands were under cultivation and our methods were thoroughly scientific, the country could produce food enough to comfortably support a population of at least a billion people.

There is no greater duty resting upon the Government than to use its agencies in collecting and disseminating information that will prompt the cultivators of the soil to employ better and more scientific methods of culture. The cost of food products may be reduced to the mutual benefit of the farmer and the consumer. Improved methods will enable the farmer to raise more at a smaller cost than he is now raising. His products may be sold at a lower price than he receives for them now, and yet his profit may be substantially increased.

I am heartily in favor of the present bill because it will be an important aid to the facilities for promoting a more scientific method of land culture. The agricultural colleges throughout the country are great agencies in carrying on this important work. There are more college graduates on the farm to-day than there ever were before in the history of the Government. Great progress has been made along scientific lines in many sections of the country, and a spirit of scientific enterprise, investigation, and vocational pride has been instilled into the minds of the tillers of the soil. The Purdue University, located in the district which I have the honor to represent, is the State agricultural and technological college. That institution has made its beneficent influence felt in all parts of the State of Indiana and in adjoining States. It has done a marvelous work toward improving the methods of farming within the range of its influence.

The authority given by the pending bill will gradually increase and expand the capacity of that and similar institutions to carry on this great work. This bill ought to be passed by a unanimous vote of the House. It should become a law before this session of Congress closes.

I will print with my remarks a letter from Dr. W. E. Stone, the president of Purdue University, giving the measure his unqualified indorsement.

PURDUE UNIVERSITY,
PRESIDENT'S OFFICE,
February 19, 1912.

HON. EDGAR D. CLUMPACKER,
House of Representatives, Washington, D. C.

MY DEAR SIR: I desire to call your attention to a bill designated as H. R. 18160, introduced by Mr. LEVER, now before Congress, and under consideration by the Committee on Agriculture, the purpose of which is to establish departments of agricultural extension in connection with the agricultural colleges in the various States.

The bill is an expression of a very widespread interest throughout the whole country in improved agriculture by applying to its practices the results of scientific study, by better business and social conditions in rural communities, by increasing production and developing resources.

The very great interest in this movement has given rise to a variety of proposals for legislation for its encouragement. Many of these propositions are radical and impracticable. The bill to which I refer is strictly in line with the most improved efforts now being made in this work by the various agricultural colleges and experiment stations in all parts of the country.

You doubtless know a great deal about the agricultural extension work in our own State, which is responsible for the farmers' institutes, district short courses, demonstration trains, field experiments and demonstrations, and a great variety of agencies of this sort now successfully operating to help farmers and for which present resources are quite inadequate.

This bill has the indorsement and preference above other measures of the Association of Agricultural Colleges and Experiment Stations as expressed at their November meeting. It is approved by the authorities of Purdue University. It is constructive legislation, proposing to apply a small appropriation to the improvement of a fundamental industry. I believe few other measures before Congress would touch more intimately the life of our people and produce quicker and more positive results than this if it were enacted.

I trust that you will give the measure careful consideration, that you will inquire into the attitude of your constituents concerning its value, and that you will see your way not only to approve the measure but to do something to secure its consideration and passage. If I can give you any information or assist you in any way in this connection, I shall be glad to do so.

Very truly, yours,

W. E. STONE.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. Speaker, I presume there has not been any bill before this Congress that has excited the interest among the agricultural States of this Union and the agricultural people that this bill has. I am satisfied that I have received more requests, not only from my own district and State but from other States for the passage of this bill than all other bills put together, with the exception of, perhaps, the parcel-post and the Canadian reciprocity bill. I sincerely hope that all the Members of the House will study this bill and give it their support. I ask permission to extend my remarks in the RECORD, and yield back the balance of my time.

The SPEAKER pro tempore (Mr. RAKER). The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEVER. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Speaker, I desire to offer an amendment, to be read at the Clerk's desk and have it pending, to be voted on at the proper time.

The SPEAKER pro tempore. The gentleman from Missouri offers an amendment to be considered as pending, which the Clerk will report.

The Clerk read as follows:

Amend, by adding after the word "established," line 8, page 2, the following: "The normal schools and colleges that have received State appropriations to promote the diffusion of information in agricultural and home economics."

[Mr. RUSSELL addressed the House. See Appendix.]

Mr. HAUGEN. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, this is a very important bill. I think each Member of the House will give me credit for usually knowing my own attitude upon a proposition when I arise and endeavor to speak to it, but I confess that upon this bill I am somewhat at sea. In the first place there is a principle involved in this bill which viewed as a governmental proposition is of rather doubtful propriety to my mind. This bill provides that an appropriation shall be made out of the Federal Treasury to be allotted among the several States, each State to get its allotment—which is to be distributed or administered through the agricultural colleges—of course, provided that the State itself sees fit to make a similar appropriation. Now, Mr. Speaker, I have a very great doubt whether it is a sound governmental principle to make an appropriation out of the Federal Treasury conditioned upon another sovereign power making a similar appropriation. That is a somewhat academic discussion, and academic questions are not very popular now.

Mr. LEVER. If the gentleman will permit, I was just about to suggest to the gentleman from Tennessee the problem about which the gentleman is doubtful was settled at the Baltimore convention in the platform of the Democratic Party in these words:

We recognize the value of vocational education and urge Federal appropriations for such training and extension teaching in agriculture—

Listen—

in cooperation with the several States.

Mr. GARRETT. Now, let me say this to the gentleman with respect to that proposition: That is really the practice now and my construction of that plank of the national platform has been that it is an indorsement of what is now being done. The practice now of the Department of Agriculture is to cooperate with the county, taking the county as a unit, where money is raised by private subscription, for instance, and not by compelling taxation through the sovereign power of the State as a condition precedent. The gentleman's bill makes no provision for that. I construe that plank of the platform to be an indorsement of the practice that is already in operation by the department, and I do not construe it to be an indorsement of a governmental principle of making an appropriation by one sovereignty conditioned upon another sovereignty making a similar appropriation.

Mr. BORLAND. I was going to ask the gentleman whether it is not true now that the Federal Government makes an appropriation for soil surveys conditioned upon an appropriation by the State?

Mr. GARRETT. No, sir; it does not.

Mr. BORLAND. And the joint appropriation is used in particular States.

Mr. GARRETT. I do not understand that that is made by law. I understand that to be the practice of the department. I do not understand that to be written into the law of Congress. I may be in error, of course.

Mr. BORLAND. I will not dispute the gentleman about the law of Congress, but the State statutes of Missouri appropriated \$10,000 upon the condition that the Government appropriate a like amount and a like amount was appropriated or apportioned by the Government from some proper fund and the joint appropriation was used for soil surveys in Missouri.

Mr. GARRETT. I will say to the gentleman—

Mr. BORLAND. The principle involved was done by the Missouri statute.

Mr. GARRETT. If it was a mistake to make that sort of a law, then, of course, it was a mistake on the part of Missouri and not of the Federal Congress.

Mr. BORLAND. We do not think so.

Mr. LEVER. I would like on that point to read what the bill itself says.

Mr. MONDELL rose.

Mr. GARRETT. If the gentleman from Wyoming will excuse me a moment I will yield to the gentleman from South Carolina.

Mr. LEVER. The bill specifically provides that an appropriation to meet the Federal appropriation may be made by the State, the agricultural college, the county, or any local authority, and we put that into this bill to meet the very objection which the gentleman has raised, and I will read the language:

To be paid in any year to any State under this act shall be a sum not exceeding the amount appropriated for that year by the legislature of such State, or provided by State, county, college, or local authority for the maintenance of said agricultural extension department.

Mr. GARRETT. Maybe that improves the bill. I do not get the connection of the sentences clearly.

Mr. LEVER. So I consider that meets the gentleman's objection.

Mr. GARRETT. The gentleman and myself discussed the particular point of what should be the unit, and that language was not in the bill at the time.

Mr. LEVER. It was put in the bill on the gentleman's suggestion.

Mr. GARRETT. I am very glad it is in the bill, because I think it is very important it should go in there if the bill is to pass; still it is maintaining a principle of making an appropriation conditioned on receipts through some other source. Now, as I say, this is somewhat academic, but after all is it not a governmentally sound proposition that if any work ought to be done by the Federal Government, then the Federal Government ought to make the appropriations to do the work without condition? Now I yield to the gentleman from Wyoming.

Mr. MONDELL. The gentleman has clearly given this matter considerable attention and study, and I am frank to confess that I have not. But I would like to have the gentleman's opinion as to what control, if any, the Federal authorities would have of the appropriations proposed in the bill, inasmuch as they are to be turned over to the agricultural colleges to be expended in connection, so far as the additional sums are concerned, with like appropriations made by the States.

Mr. GARRETT. Now, I will say to the gentleman that I have given some attention to the bill, but I would much prefer that that question be answered by some one who is a member of the committee who has given greater attention to it than I have. I am not a member of the committee. As I read and construe the bill it would have practically no control.

Mr. LEVER. If the gentleman will yield for that purpose—

Mr. MONDELL. The gentleman states that his view is that the Federal Government would have practically no control?

Mr. GARRETT. I think so.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARRETT. Can the gentleman from Iowa [Mr. HAUGEN] give me a little more time?

Mr. HAUGEN. How much time does the gentleman want? I have not very much, but I shall be glad to accommodate the gentleman so far as I can.

Mr. GARRETT. There is another phase of the question I would like to touch upon before I sit down, and five minutes will be sufficient for me.

Mr. HAUGEN. I yield five minutes to the gentleman.

Mr. GARRETT. I will yield to the gentleman from South Carolina [Mr. LEVER] a minute of that time.

Mr. LEVER. It is in the language of the Adams Act. Mr. Galloway, in writing to me, says:

DEAR Mr. LEVER: Referring to our conversation over the telephone regarding the authority of the Secretary, as set forth in the Hatch Act and in the Adams Act, I beg to say that in the original Hatch Act the Commissioner, now Secretary, of Agriculture, had no authority whatever in the matter of controlling the operations or funds appropriated under the Hatch Act. Secretary Morton, recognizing the weakness of the act, had section 3, which you read to me over the telephone, incorporated. This merely gives the Secretary authority to, so far as practicable, secure uniformity of methods and results of the work of said stations and to furnish, so far as practicable, forms for the tabulation of results of investigations or experiments, to indicate from time to time such lines of inquiry as to him shall seem most important, etc. There is nothing in the act anywhere that gives the Secretary authority to administer the act as an act.

The Adams Act, on the other hand, gives the Secretary express authority to administer the entire act, as you will find at the end of section 4, reading as follows:

"If the next Congress shall not direct such sum to be paid it shall be covered into the Treasury, and the Secretary of Agriculture is hereby charged with the proper administration of this law."

That is, the Secretary of Agriculture, as you will see, is charged with the entire administration of the law, and as a result of this I am informed by the Office of Experiment Stations that it is practicable for them to much more rigidly control the work inaugurated than is the case under the Hatch Act.

I think your bill carries this clause in it, and, if so, it is my opinion—and Dr. True concurs with me in this—that nothing further is needed to give the Secretary sufficient authority to keep definite control of all operations under your bill.

Very sincerely,

B. T. GALLOWAY,
Chief of Bureau.

And the language of this bill is the language of the Adams Act. So the Federal Government has all the control which, in my judgment, it should have.

Mr. GARRETT. Oh! The Federal Government determines whether the State has made the appropriation, but after the money has left the Treasury of the United States there is no control by that Federal Government over the expenditure and no control over the men who go forth to do the demonstration work. That is true?

Mr. LEVER. To that extent it is true.

Mr. GARRETT. There is one other thing I want to say, if the gentleman from Wyoming [Mr. MONDELL] will pardon me for not yielding further. In my judgment, the farmers' cooperative demonstration work initiated by Dr. Knapp is the greatest single work of the United States Department of Agriculture. In those communities in which it has been put into operation it has been worth untold millions of dollars to the agricultural interests. Now, if I understand correctly—and I ask the gentleman from South Carolina [Mr. LEVER] if I am not correct in this statement—it is the purpose of this bill to destroy that work as it exists now and to transfer it to the agricultural colleges of the States?

Mr. LEVER. If the gentleman will permit, it is not the purpose of this bill to destroy the farmers' cooperative demonstration work. I think the ultimate result will be in the course of 10 or 12 or 15 years that this work will be transferred to the colleges, and I think and I trust will be much better done by the colleges than it can possibly be done from a central bureau in Washington.

Mr. GARRETT. Now, let me ask the gentleman another question. There is now, of course, a certain appropriation made from the Federal Treasury for this cooperative demonstration work?

Mr. LEVER. About \$600,000 a year.

Mr. GARRETT. That fund is added to a fund that is obtained from the General Educational Board?

Mr. LEVER. From John D. Rockefeller.

Mr. GARRETT. Well, whatever its source may be. It is a good thing for which Mr. Rockefeller's money is being spent, if that is correct. Does the gentleman think that the Committee on Agriculture of the House in the future, if this bill shall pass, will, as a committee, report in favor of appropriating, at least, an amount equal to the amount which has heretofore been appropriated for this cooperative demonstration work, without reference to this bill?

Mr. LEVER. As a matter of fact, I will say to the gentleman that the Committee on Agriculture this year increased the appropriation for the farm demonstration work to be done in other sections of the country than the South \$50,000. That amount was increased \$50,000 on the floor of the House, and that amount was increased \$150,000 by the Senate, and the House conferees agreed to it.

My thought is that unless we can make this work an impersonal work, in which Members of Congress can have no interest, we shall in the course of 10 years be so overwhelmingly swamped by applications from our own people for more money that a man will be absolutely under the dominance of the agents in the districts.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARRETT. Will the gentleman from Iowa [Mr. HAUGEN] give me three minutes more? I do not want to impose upon the gentleman from Iowa at all.

Mr. HAUGEN. I would be very glad to give the time the gentleman asks, but the time is all apportioned. I can give the gentleman two minutes more.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GARRETT] is recognized for two minutes more.

Mr. GARRETT. I want to ask the gentleman from South Carolina [Mr. LEVER] this question in regard to the bill: Does not the gentleman think this legislation is likely to result in there being a political machine built up in the several States composed of the demonstrators?

Mr. LEVER. No; I think not. We can judge of the future only by the past. We made the first appropriations for the agricultural colleges 50 years ago. We also make the appropriations for these experimental stations out of the Federal Treasury. We have a continuing appropriation for the agricultural experiment stations with the result that neither the experiment stations nor the colleges have any interest in a Member of Congress whatever, because it makes no difference whatever to them whether the gentleman from Tennessee, for instance, is in Congress or some other gentleman is representing his district here, because they know that, whoever represents the district, these permanent appropriations are coming anyhow. I believe that this proposition in the end is going either

to save the demonstration work or else build up the biggest political machine here in Washington that has ever been put on foot in this country.

Mr. GARRETT. Suppose some State is willing to make appropriations and some county in that State is unwilling. Where will the man go from in that case?

Mr. LEVER. He would go from the agricultural college. The college would control the administration of it.

Mr. GARRETT. The county would have no college. Then he would go from the State college?

Mr. LEVER. If it is a local matter, the local college would administer it.

Mr. GARRETT. Mr. Speaker, I want to say in conclusion that I should certainly regret, not only for the academic reasons stated but also for the practical reasons that I have stated, to vote for this bill if I thought it would destroy the cooperative work that is now in progress.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Speaker, this bill has been discussed in detail, and I will not take up the time of the House in discussing the bill section by section, and will simply say that it has for its object to establish agricultural-extension departments in connection with agricultural colleges in the several States, to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of the same, and appropriating, to begin with, \$10,000 annually for and to be paid each State, which shall by action of its legislature assent to the provisions of this act, to which public lands have been donated, for colleges for the benefit of the agricultural and mechanic arts, under the so-called Morrill Act and acts supplementary thereto; that the additional sum of \$300,000 shall be appropriated for the fiscal year ending June 30, 1914, and an additional increase of the amount of such appropriation thereafter for nine years; that the annual sum to be paid thereafter to the States shall be \$3,000,000, and that the additional sum to be allotted annually to each State in the proportion which the rural population bears to the total rural population of all the States on the condition that the State receiving the benefit under this act shall appropriate an equal amount to that paid by the Federal Government. Thus, I have briefly stated the object of the bill. I might add that Congress has, as set out in this report, at various times passed laws making liberal appropriations for State colleges and experiment stations. I read from page 2 of the report:

As a result of this encouragement and Federal recognition, every State has a well-equipped agricultural and mechanical college, training its young men to solve agricultural and industrial problems.

It was soon discovered that their peculiar difficulty lay in a lack of sufficient, definite, and exact scientific information. Realization of this insufficiency became so manifest and so insistent that the Hatch Act, establishing agricultural experiment stations, "to promote scientific investigation and experiment, respecting the principles and applications of agricultural science," was enacted 25 years after the land-grant colleges were authorized. Under this act agricultural experiment stations, devoting their energies to gathering scientific truths and exploding harmful fallacies touching agriculture, have been established in each of the States.

Subsequent legislation has been confined to the enlargement of the funds for the furtherance of the fundamental ideas involved in the original Morrill and Hatch Acts, such as the Adams and Nelson Act, since the enactment of which the Federal Government has expended \$67,000,000 upon these institutions, as follows:

Statement showing the amount of money that has been expended by the Federal Government for State experiment stations and agricultural colleges.

STATE EXPERIMENT STATIONS.	
Total amount expended under the Hatch Act from 1888 to June 30, 1911	\$16,807,338.94
Total amount allotted under the Hatch Act during the fiscal year 1912, up to and including the quarter ending Mar. 30, 1912	540,000.00
Total under Hatch Act	17,347,338.94
Total amount expended under the Adams Act from 1906 to June 30, 1911	2,828,665.21
Total amount allotted under the Adams Act during the fiscal year 1912, up to and including the quarter ending Mar. 30, 1912	540,000.00
Total under Adams Act	3,368,665.21
Total for State experiment stations under both acts	20,716,004.15

STATE AGRICULTURAL COLLEGES.

Total amount paid from 1890 to 1912, inclusive, under the acts of Aug. 30, 1890, and Mar. 4, 1907	\$28,802,000.00
Proceeds from sale of land	13,348,041.00
Value of unsold land (estimated)	5,042,388.00

Total for agricultural colleges under both acts, etc	47,192,429.00
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RECAPITULATION.

Total for State experiment stations	20,716,004.15
Total for agricultural colleges	47,192,429.00

Grand total	67,908,433.15
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The total annual appropriations made for the Department of Agriculture, including permanent annual appropriations, now exceed \$22,000,000. Much of that amount goes for education, besides nearly 500,000 teachers are employed and are paid about \$220,000,000 annually in salaries. The total expense for public schools aggregates more than \$371,000,000 annually. These are, indeed, large sums, and may suggest Congress going slow in increasing appropriations for education. But we are a rich and great Nation; this Government pays annually a greater sum for war, Navy, and pensions, and it seems to me if a nation can in time of profound peace pay about \$400,000,000 annually on account of war it can afford to pay an equal amount for education. While there should be no extravagance in appropriations for education or anything else, we should meet every proper and legitimate demand. We all take a just and pardonable pride in our Nation's growth and greatness, in the fact that we are living in this age of marvelous expansion, and are moving forward with a mighty speed; that the wheels of industry are moving; the fact that we rank among the most practical, prosperous, and intelligent people on earth; that progress, prosperity, and happiness are in evidence everywhere. We feel it our duty, no matter what our political affiliation, creed, occupation, or prejudices may be, to strive to benefit this country, to relieve the distressed, to protect the weak, to uplift humanity, to promote and to perpetuate true greatness, to give honest and thoughtful consideration in securing full benefit for our natural resources, for the development of mechanical appliances and the skill and genius of American labor; to see to it that nobody is imposed upon; that everybody is given adequate protection against any invasion on the part of unscrupulous and dishonest interests, in order that we may have the fullest development of every worthy and deserving enterprise. If so, how are we to proceed? The general contention is that we must have a general education. Knowledge is power; it always was power and always will be power. The importance of a general education in a republic that must be sustained by the virtue and intelligence of her people can not be too highly appreciated. Knowledge is the greatest security of freedom, and all we have and enjoy of human liberty was acquired by the people. They fought the battle of our Revolution; they declared our independence; they made our Constitution and have sustained it in peace and in war.

These people, this Republic demands, and, I am proud to say, it receives liberal provision for a general education. But while generous provisions are made for education yet the question remains, Can it be improved upon? I believe it can. We are educating too many men now for "white-shirt man's job." As everybody knows, the major portion of money now expended for education is to prepare men and women for the professions; only eight out of every hundred of our people belong to the professions, and the balance—92—to the industrial, agricultural, commercial, and idle classes. I believe we should give more consideration to and spend more money for the Government to fit a man to work effectually with his hands and to dignify labor; that seems to me as laudable a purpose as to fit one for a professional career. I believe that part of the public money appropriated for education should be used for the purpose of giving a practical training in developing skill and efficiency in the different trades and occupations; and if I had my way about it I would amend this bill so as to make it apply to secondary schools, high schools, State colleges of agriculture, and mechanic arts. [Applause.] In my opinion the people in agricultural, industrial, and commercial pursuits are as much entitled to consideration at our hands as the professions. Why not extend the advantages of education and training to them for their life work as well as for the professions, so that they may enter into their particular callings well trained and equipped? I believe that young men should not only be given an education but should also be taught to work. They should know that there is pleasure, satisfaction, honor, and dignity in toil, be it by hand or head, be it providing for the bodily want of the individual, be it carrying the hod, molding or laying the brick, extracting the gold, silver, or other ore from the bowels of the earth, preaching a sermon from a pulpit, or digging a

ditch, erecting a cottage or mansion, or promoting any worthy enterprise; they should know that all reputable labor is honorable and dignified. Of course all employment which requires manual labor is more independent and conducive to good health; but there should be no line drawn as between occupations, for all honest work is dignified and honorable.

Every article used represents more or less labor. It is toil that has made our great and glorious country what it is; it has cleared the forest and transformed the prairies and wilderness into a bed of roses, and these productive fields producing bread, the staff of life, feeding millions and millions of families. It is toil that has made our farms and has built our towns and cities, our factories and mills, our schools and temples of religion, and anyone who has contributed his share of this great work may well feel proud of his part in developing this great and glorious country. [Applause.] It must be clear to everybody that the people in industrial and agricultural pursuits should be given the kind of education that will enable them to earn a living and equip them for better service, as well as those of the professions. The other day my attention was called to a sign over a door which read: "Shoeing done by horseshoers." This sign appealed to me; it suggested the value of skill and knowledge in every calling of life—that skill and knowledge in shoeing horses are as important as is the knowledge of law, rules, and practices of the courts to the lawyer in trying a lawsuit. If true as to the horseshoer, is it not true as to everybody, no matter what his occupation may be? If so, we must have practical and scientific education and training to fit our men and women for their particular life work. It has been pointed out that our farms yield less per acre than those in European countries, and that it is due to lack of knowledge of agriculture. No one will deny but that it is very necessary for the farmer to have knowledge of the plant he plants and the soil which he tills, that he may know how to bring about such conditions of the soil that it will make it more fertile and productive. If such knowledge is of value to the farmer, it is of value in other lines of work; if it increases the yield of grains and fruits, as is claimed it has done in other countries, why not provide for it in our own country? All our interests are in common; we go up and down together. All wealth comes from the soil. With prosperity on the farm we have prosperity in the cities; with close times on the farm we have closed banks, stores, factories, and mills in the cities. Why not provide for education in home economics, not only in cooking but in every science conducive to making better homes and home life?

If it is necessary for the farmer to study the life and conditions of plants and soil, to know under what conditions the highest and best results may be obtained, is it not of even more importance to the mothers and housewives to know what food to give the child and members of the family; to know that certain kinds of food build up the tissues of the body and that certain other foods supply heat for the body, others energy and strength; that she may know what proportions should be fed in producing the right physical condition; that certain foods are conducive to health and longevity and that others are destructive? A knowledge of these things is of vital importance to the health, happiness, and prosperity of all of us. It seems to me that the teaching of domestic science and the practical application in the homes are of much greater importance than the teaching of many of the other sciences. Our schools should be provided with teachers equipped to teach practical vocational education. We should stimulate love for the practical things of manual labor. [Applause.] Deplorable yet true, in some sections of the country young men and women believe it below their social standing to do manual labor, to do housework; hence they are left home with nothing to do. It is not like in the old pioneer days, when every young man and woman was taught not only how to work, but made to work; they were taught to work on the farm, in the store, and in the home, and were proud of their skill and ability. Now it is quite different. Many feel above work and inclined to shun it. Without work they become restless, and many drift into mischief and some sink into melancholy. We are confronted with the deplorable fact that 1 out of every 10 of American marriages end in the divorce courts. Many contend that this condition is largely due to idleness or the absence of some definite, useful, and honorable occupation, caused by the lack of desire on the part of many young men and women for really healthful and productive employment, not being trained in a right use of their abilities.

An idle brain is the devil's workshop; a lazy man the devil's bolster.

Work is what God intended us to do. "In the sweat of thy face shalt thou eat bread till thou return unto the ground."

"If any one will not work, neither let him eat." Let every man and woman go to work and do not wait. Let no young man or woman delay; "procrastination is a thief of time"; let him work and forget his trials, troubles, and tribulations of life. Nature, the soul, mind, and the body never stand still; they either go up or down. The mind, the soul, and body are naturally active; it is with the human as it is with the plant and tree—it either goes up or down; if you suffer the mind or body to be unoccupied, temptation and evil thoughts will overtake you; toil terminates in enjoyment. If one is not engaged in some honorable business, he sinks into melancholy or drifts into mischief; but work keeps one out of mischief. One reaps what he sows. No one has the right to expect a good fortune unless he goes to work and earns and deserves it; every man and woman is the architect of his or her respective fortune; the life of constant and useful employment is the only safe and happy one; and the proud possessor of a robust health and a will to work his way honestly and courageously through the world is the proud possessor of God's greatest gift and blessing to mankind. If so, we may well ask, What is the best capital a young man can start out with? The answer is, generally, a good education, good morals and sound judgment, foresight, good common sense, energy, a robust health, a will to work his way honestly and bravely, a character of the highest type and founded upon integrity. If a young man's ambition is to be a truly great man, he must have something to do; toil is the price of success. If a young man's ambition or desire is to have a good business, a big farm, a sweet, charming, and beautiful wife, a comfortable, congenial, happy home, and all that this world affords, what is there to hinder him from having it in this land of plenty, under this grand and glorious Government, with its splendid, magnificent institutions which Washington and his noble band of patriots so wisely provided for? Industry, with proper economy will bring it; live within your income, pay your debts; an obligation once made, great or small, to friend or foe, must be redeemed unconditionally.

First, let a young man be sure that his trade, profession, or calling in life is to his liking and that it is an honorable and a good one; then stick to it, think for it, plan for it, work for it, live for it, and be true as steel to it; harden his hands, sweat his brow, tax his brain, throw his mind, might, life, strength into his actions for it and success will crown his efforts. Work is not a curse; it is a blessing that an all-wise Providence has provided for man's development. Without toil, care, sorrow, worry, poverty, reverses, and adversaries there would be fewer great characters.

If you will study the life and character of our great and successful men, the so-called shining lights, the men of wealth and worth, eminence, intelligence, prominence, power, and influence, you will find that a large majority of them began early in life in some useful employment, and many of them poor orphan boys—poor, without means, compelled to work for subsistence, work their way through schools, shouldering heavy burdens, assuming responsibilities and contending with sharp and keen competition and opposition, thus developing their power in the field of employment, gradually going onward and upward.

A good education, careful training, and a gentle breeding, good society and good morals, a good environment, a healthful atmosphere, good and timely advice and instruction by kind, good, and generous parents are essential; they are grand instrumentalities in molding characters; but the real and most important means in man making is constant and useful employment. The secret of making a good, useful, and happy man out of a young man is to put him to work and keep him at it. It hardens his hands and muscles, strengthens his body, and sharpens his mind and wits, arouses ambition and promotes patriotism and longevity, and, in my opinion, the man or woman who is above work or despises the laborer shows a lack in judgment, common sense, and appreciation of a business or ordinance of God. Yes; there is dignity in work. All reputable work is honorable and dignified; it is good for the body and the soul; it is conducive to good health.

Do not understand me to contend that if you pursue your duties with industry, fidelity, with rectitude to purposes dominated with lofty ideals, with a firm determination to do justice and right, with sincerity and honesty, shunning deceit and cunning practice, that you will be immune from attack by the muckraker, the demagogue, the slanderer, the blackmailer, the egotistical and jealous man, or the yellow journal. No; far from that; to the contrary, it is the active men and women who do things that are attacked; as long as we have the muckrakers and blackmailers, unprincipled and dishonest men, and yellow journals, you will be in danger of being pursued and

persecuted. The indolent man, the lazy man, or one who never accomplishes anything is never attacked, as there is nothing to attack; but never mind; pay no attention to that; pursue your duty with integrity, fidelity, and industry—plug away.

Longfellow says:

Do the duty that lies nearest to you and have no thought of fame.

Crockett says:

Be sure you are right. Then go ahead.

Do it with an iron will and a velvet smile and your efforts in public and private life will be crowned with success. That eloquent Roman said:

I hold that no man deserves to be crowned with success who is a failure.

He who lives to eat, drink, and accumulate money is a failure. The world is none the better for him being in it. He never wiped a tear from a sad face; he never builded a fire on a frozen hearth. I repeat with emphasis that he is a failure; he worships no god but gold.

Errors, like straws, upon the surface flow;
He who would search for pearls must dive below.

But I want to get back to the subject of the bill. It is the farmer, the workingman, and their wives who are going to make this country prosperous. The time is coming when men and women who are physically and mentally able to work and do not work will be looked down upon; therefore we should at once begin to teach our boys and girls to work and to honor the man and woman who works, to educate them and fit them for agricultural, industrial, and commercial pursuits, as well as for the profession. That is what this bill in part proposes to do. We have accumulated the facts and have bottled up in the Department of Agriculture millions of dollars' worth of valuable knowledge. Our scientists over there, generally conceded to be the greatest in the world, are full of it. They have been endeavoring to disseminate knowledge on agricultural and home economics through the mails by publishing and sending out bulletins, and much has been accomplished, but, as a general thing, the people do not apply things simply by reading or hearing about them. Now, let us send practical men with expert knowledge in the field and demonstrate what can be done when labor is practically, scientifically, and intelligently applied, as has been done in the cotton-boll weevil districts, in the acre-corn contest, carried on all over this country. With the permission of the House, I will print in the RECORD a statement of the late Dr. S. A. Knapp, special agent in charge of the work in the South.

Of the visit of the corn club boys in Washington he says:

The visit to Washington this week of the prize-winning boys from 11 Southern States is the crowning event of the year's work of 46,225 boys. These boys are members of the corn clubs under the farmers' cooperative demonstration work of the United States Department of Agriculture.

About a year ago all of the members of the corn clubs agreed to work 1 acre of corn in accordance with the instructions of the department. Merchants, bankers, and other public-spirited citizens offered more than \$40,000 worth of prizes, consisting of cash, farm implements, trips, ponies, pigs, bicycles, watches, and many other things calculated to gladden the adolescent heart. Government agents, public-school officers, and teachers cooperated in the organization and instruction of clubs in nearly 600 counties. The names and addresses of the members of the clubs were filed with the United States Department of Agriculture. Circulars of instruction, prepared by Dr. S. A. Knapp, in charge of the demonstration work, were mailed to all of the boys at various times during the year. When the boys studied seed selection the whole country got interested. When they took up the preparation of the soil there was a general movement for better preparation. The prize winners, now in Washington, plowed their acres from 8 to 16 inches deep and thoroughly pulverized their seed beds. When the subject of fertilization came up the general knowledge about nitrogen, potash, and phosphorus was increased, leaves and wood mold were sought to increase humus, and stable and poultry houses were cleaned out for the benefit of the prize acre. Shallow and frequent cultivation was kept up during the spring and summer, because the boys had learned that the roots of the corn must not be broken, and that the corn must have a good dust mulch in order to conserve moisture.

According to the regulations making awards of prizes, the following points were considered: Yield, cost per bushel, best 10 ears, and written history of crop. Not all of the boys who won prizes made the largest yields in their States. The economical side must be considered. The farming must be profitable. A record must be kept and a good exhibit made at the county corn show or fair.

A year ago Secretary Wilson gave diplomas of merit to four boys who came to Washington. At that time there were 12,000 members of the clubs. This year business organizations and individual citizens gave prize trips in 11 Southern States. Governors and superintendents of education are also giving diplomas of honor to all boys who produced 75 bushels per acre, at a reasonable cost. It is a common occurrence for 500 to 1,000 people to witness the awards of 15 or 20 certificates at a county seat. In one Mississippi county 48 boys averaged 92 bushels per acre. In one South Carolina county 20 boys produced 1,700 bushels of corn on 20 acres. In another county in the same State 142 boys averaged 62 bushels per acre.

This work is having much to do with the increased averages of the Southern States in corn production. It will have something to do with reducing the cost of living, also.

The following are the names and addresses of the winners of the trip to the capital of their country, and also the yields of their respective acres and the cost per bushel:

Names and addresses.	Number of bushels.	Cost per bushel.
Hughey A. Harden, Banks, Ala.	120	32
Ira Smith, Silver, Ark.	119	8
Joseph Stone, Center, Ga.	102½	29
Stephen G. Henry, Melrose, La.	139½	13½
William Williams, Decatur, Miss.	146½	18
W. Ernest Starnes, Hickory, N. C.	146½	38
Floyd Gayer, Tishomingo, Okla.	95½	8
Jerry H. Moore, Winona, S. C.	228½	43
Norman Smith, Covington, Tenn.	125½	37
William Roger Smith, Karnes City, Tex.	83½	13½
Maurice Olgers, Sutherland, Va.	168	40

Dr. Knapp's experience and accomplishment in this work are told in his letter printed in the CONGRESSIONAL RECORD February 2, 1911. Dr. Knapp says that he realized that it was almost impossible to teach old men how to respond—they knew much better than he or anyone else—they had been raising corn in a way all their lives. So he conceived the plan of organizing boys' corn clubs in a small way, and met with wonderful success, as is shown in his statement. He tells of Hopping, of Rogers, who, without the aid of a mule or a horse, except to have his land plowed, actually raised 50 bushels on an acre with a plow manufactured by his own hands and pulled by a goat trained by him.

Dr. Knapp tells pathetic stories of how hard it is to get the old father to help the boy. He tells of one boy who was very anxious to raise some corn, but had no ground. So his father said, "Well, you can have an acre over there on the hillside if you will clear the stumps and logs off." The little fellow worked hard and cleared the land, and then his unkind father took it away from him. The little chap was not discouraged. When the farm demonstrator came around the boy appealed to him, and he in turn appealed to the father, who said, "Well, I will let him have another acre over there on the same hillside, provided he clears off the logs and stumps." He cleared them, worked as vigorously as he could, and produced 85 bushels of corn on that acre, while the old man, who cultivated by the old method on the acre that the boy had first cleared, made only 18 bushels.

Also a statement giving the result of the Iowa Boys' and Girls' Clubs, 1911:

WINNERS OF THE WASHINGTON TRIPS IN THE ACRE CORN-GROWING CONTEST AND THE BREAD-BAKING CONTEST.

Sweepstakes, State wide:

Lester Finch, Fairbank, Buchanan County.
Score, 93.47 per cent; bushels, 99.67; production cost per bushel, 11 cents.

Donor of Washington trip, Wallace's Farmer.

Third congressional district:

Vivian Edwards, Clarksville, Butler County.
Score, 93.05 per cent; bushels, 97.17; production cost per bushel, 14½ cents.

Donor of Washington trip, Congressman CHARLES E. PICKETT.

Fourth congressional district:

Harry E. La Ville, Postville, Fayette County.
Score, 89.58 per cent; bushels, 96.22; production cost per bushel, 12½ cents.

Donor of Washington trip, Congressman GILBERT N. HAUGEN.

Sixth congressional district:

David Jones, New Sharon, Poweshiek County.
Score, 81.47 per cent; bushels, 81.32; production cost per bushel, 28½ cents.

Donor of Washington trip, Congressman NATHAN E. KENDALL.

Seventh congressional district:

Charles Whitehouse, Granger, Polk County.
Score, 85.28 per cent; bushels, 86.22; production cost per bushel, 24 cents.

Donor of Washington trip, Congressman SOLOMON F. PROUTY.

Eighth congressional district:

Glen Mead, Percival, Fremont County.
Score, 92.01 per cent; bushels, 97.66; production cost per bushel, 18½ cents.

Donor of Washington trip, Congressman HORACE M. TOWNER.

Tenth congressional district:

Ivyl E. Naylor, Stratford, Hamilton County.
Score, 79.19 per cent; bushels, 75.55; production cost per bushel, 21½ cents.

Second prize, railway and Pullman tickets, round trip:

Lewis Helm, Rutland, Humboldt County.

Donor of Washington trip, Congressman FRANK P. WOODS.

Eleventh congressional district:

Clarence L. Brown, Salix, Woodbury County.
Score, 90.58 per cent; bushels, 84.69; production cost per bushel, 21 cents.

Donor of Washington trip, Congressman ELBERT H. HUBBARD.

Pottawattamie County:

Arthur Strohbehn, Treynor, Pottawattamie County.
Score, 74.30 per cent; bushels, 60.01; production cost per bushel, 21 cents.

Donor of Washington trip, citizens of Pottawattamie County.

BREAD-BAKING CONTEST.

Sweepstakes, State wide, bread; baked at Ames Junior Short course, January 11, 1912:

Miss Lois Edmonds, Clarinda, Page County.

Score, 93 per cent.

Donor of Washington trip, Successful Farming.

The mothers of the two sweepstakes winners will accompany the party at the expense of the Wm. Galloway Co., Waterloo, Iowa.

The score for selecting winners was based upon the following items:

	Per cent.
Yield of credit bushels-----	40
Quality as shown by exhibit of best 10 ears-----	20
Written account telling history of growing crop-----	20
Production cost per bushel-----	20
Total-----	100

The credit bushels were ascertained by a moisture and shelled-corn test of a sample peck of corn submitted by the acre-yield committee of each contestant to the State College of Agriculture at Ames. The credit bushels in each case represent the value of shelled, air-dried corn.

Here we have the results of demonstration work by practical and scientific men. It is proposed in this bill to extend this work so as to not only educate the boys and girls in school but to send men and women out to demonstrate to them how it is to be done and to encourage them to work, to take up some occupation, no matter whether it be in professions, agricultural, commercial, industrial, or whatever it may be, just so it is an honorable and a good one, so that they may become good and useful men and women, strong physically as well as mentally, to teach not only how to do things but to actually do things and not to drift into mischief through idleness, but to do as other great men and women who have achieved great success in life—men who rose from the ranks without money for a start, yet with their intelligence, industry, enterprise, and a will to rise to work, to conquer, they succeeded, such as Lincoln, Grant, McKinley, Napoleon, Cromwell, Clay, Webster, Marshall Field, and thousands of other memorable men. The surest and safest path to success is untiring industry, energy, constant and useful occupation, integrity, and good common sense. We hear much about luck; take no stock in it; it is too uncertain. If you will be nothing or a failure in life, just stand around and wait to be somebody and to do much and great things at once. Success does not come by accident, but by purpose and persistent industry. The fruits of endeavor and success depend upon one's own efforts, his capacity and inclination to work.

If one wishes to get through this world successfully he must rely mainly upon his own efforts. In this great and expanding country no one need to be without some useful employment. All trades and professions are open to him if he will give his services freely and honestly. If he does he will succeed. He may not get as many millions as some, but he will get more honor, glory, and money than the man who gives his services reluctantly, who holds his pick or hoe or hammer at an angle of 45 degrees, throwing his head back over his shoulders to see if he is being watched by his overseer; or he who is constantly clamoring for additional "off hours" and impatiently looking at his watch for the hour of quitting to arrive, robbing his employer by loafing or giving dishonest work. It is the man who gives his service cheerfully and honestly who is rewarded both by the public and his employers, and not the lazy or dishonest man. Occasionally we see unprincipled lazy and dishonest men carry off honors and wealth, but nine times out of ten it is the man who is willing to work; the man whose character is founded on integrity is the one who succeeds. What a misconception it is on the part of some who believe and contend that it is the indolent, dishonest man who succeeds. No; it is not the demagogue, the liar, the scoundrel, the over-reaching man who succeeds. Let a man be known to be honest and upright, square and fair in all his dealings, and he will enjoy the respect, admiration, and confidence of all who know him. Let him part with anything rather than conscientious rectitude to purposes. The world is looking for men and women of integrity, men who neither lie nor steal, men who know their places and fill them; who will denounce wrong in friend or foe or in themselves. The merchant is looking for him as a salesman or clerk, the patient as his physician, the farmer as his manager or his hired man, the client as his lawyer, and the sweet, charming, and beautiful neighbor girl will be only too glad to accept of his hand if he is of the right character.

Apply energy and integrity and he need have no fear but he will succeed in this land of plenty. What is American citizenship to me? It seems beyond the power of comprehension. Here where all the avenues of American citizenship are thrown wide open for the advancement of every American citizen, be he humble or exalted, native or foreign born, rich or poor, this applies to all positions of honor, trust, and the acquirement of wealth. Here where the man of the lowest walks of life may have an even chance, where we are not required to follow in the beaten paths of former ages, but each allowed to map out

his future destiny, where all our schools are open to each and every resident child, from the remotest school district to the highest classrooms in our universities, where the rail splitter, the country merchant, the country teacher became President of the United States and among the greatest and grandest men who ever occupied that chair.

We have many self-made men, and what an inspiration and what an encouragement it is to our young, and what an example and lesson. If one is to succeed in life it is by hard work; it is by fidelity to duty, unfaltering faith in rectitude of purposes, dominated by the noblest and loftiest ideals, with a firm determination to do justice, to do right. One's guiding star should always be sincerity, integrity, shunning deceit and cunning practice. Let no young man delay; let him go to work. Of all the contemptible things idleness is the worst; it is degrading, degenerating, demoralizing, unbecoming; it leads to sin, device, and destruction.

And, deplorable as it is, nevertheless it is true; idleness predominates in too many lives. See the millions who go ragged, hungry, and poor, gambling, swindling, stealing, and robbing, plundering, sponging at the expense of his fellow man rather than to work.

My friends, is it not time that we are giving more thought and attention to the American boy? Let us teach our children in our home and in our schools to work. It has been a hobby of mine that we should have a branch of manual training in all our colleges, universities, academies, public schools, and secondary schools, and it is gratifying to me to have this dream brought into realization to a large extent in our common schools already. Now, one word and I am done. Much has been said in commendation of the Department of Agriculture and scientists employed therein. While I concur in practically all that has been said and appreciate the splendid work done and am proud of its achievement and feel certain that much good will come from it in the future and from the enactment of this bill, yet I do not share in the contention that the department or scientists are entitled to all the credit for what has been accomplished or that we must look to them alone for our future prosperity and happiness. Due credit should and must be given those who have really made this country what it is; those who have built our towns, villages, and homes, our roads, our farms, our bridges and charitable institutions; those who have constructed this vast system of public schools, many of them in poverty, in sickness, in reverses, privation, and sorrow; others in health, wealth, joy, and prosperity, sympathizing with each other's woes, sharing each other's joys, step by step advancing along the lines of accumulation of wealth, culture, and refinement, until to-day we boast of the fact that we rank among the most successful, practical, and intelligent people upon earth. Their onward march to true greatness has placed them in the foremost ranks of modern civilization and refinement.

These towns, these villages, these temples of religion and industrial institutions, the morality and industry of our people all accomplish in this government of the people, by the people, and for the people, are not the achievements of an ignorant or indolent people; to the contrary, they bear upon them the impress of the most enlightened views and policies executed with the greatest prudence, firmness, and wisdom—they are the trophies of freedom and the grandest monuments of our national glory. [Applause.]

By unanimous consent, Mr. RUSSELL was given leave to extend his remarks in the Record.

Mr. TOWNER. Mr. Speaker, I certainly approve of the splendid statement to which we have just listened from the gentleman [Mr. HAUGEN] through whose courtesy I am yielded this time. His long and distinguished service on the Committee on Agriculture eminently fits him for a proper consideration and determination of the merits of this class of legislation.

And, Mr. Speaker, I desire to congratulate the young and already distinguished Member from South Carolina [Mr. LEVER], who has introduced and so faithfully worked for the passage of this bill. I am exceedingly sorry that we are called to consider it so late in the session. As has been said by other gentlemen on the floor, it is one of the most important bills for consideration by the present session of this Congress.

There are some features of this bill that I am in doubt about. In fact, there are some features of it that I think ought to be remedied, and that I hope will be remedied when it shall be considered for amendment in this House. For instance, there is now appropriated in the agricultural appropriation bill a large amount for extension work by that department. It seems to me that the extension work which is provided for here ought in some way to correlate with the work of the extension department of the Agricultural Department. As I understand, there

is no correlation of this work. No one knows how the amount appropriated for the department is to be expended or what proportion of it is to be expended, if any, in conjunction with the work here provided for. In fact, it would appear this is an independent appropriation along lines that seemingly have no connection with the work already provided for in the Agricultural Department.

VOCATIONAL EDUCATION.

There is another matter in this connection, Mr. Speaker, that I think ought to be carefully considered in this House. There is no provision in this bill for educational work except by demonstration work in the field. I think I am justified in saying that the agricultural societies of the United States, the agricultural journals of this country, the associations in the interest of labor, all who are interested in vocational and industrial education, hope that when Congress shall take action on this subject it may be on broader grounds than this merely demonstration work in the field. [Applause.]

There is no provision here by which there shall be any assistance or supervision by the General Government of educational work for the child in industrial, vocational, or agricultural pursuits. While professional education can await mature years, vocational education should commence with early childhood.

And so it has been thought by those especially interested in this work that the field of vocational education should be enlarged. This is not a new thought. Already many bills have been introduced in Congress along these lines. The distinguished gentleman from Minnesota [Mr. DAVIS] introduced last year a comprehensive bill. The gentleman from Pennsylvania [Mr. WILSON] has on the calendar a bill of that character, and there is one also pending now in the Senate introduced by Senator PAGE.

There are meritorious features in each of these bills, as there is certainly merit in the bill we now have under consideration. I regret, therefore, that at this late period of our session we are compelled to pass upon this most important subject of legislation with only a few hours of debate and no opportunity for an analysis and comparison of the other bills referred to.

I shall vote for this bill because I entirely approve its object. It is not likely it can receive consideration at this session by the Senate and become a law, but as it will be pending at the beginning of the next session it ought to result in a completed and well-considered act before this Congress shall close.

IOWA A LEADER IN THIS WORK.

I am proud, Mr. Speaker, of the fact that the great State I have the honor in part to represent early recognized the need of vocational education, especially for the farmer. Her great school, the Iowa State College, primarily devoted to such purpose, was a pioneer in this line, and has given the strongest impetus and the most distinguished leaders to this great work. It gave to the country such men as the present Secretary of Agriculture, Hon. James Wilson, the lamented Dr. Seaman A. Knapp, and many others. I am glad to insert as part of my remarks a letter referring to the legislation under consideration from Prof. Charles F. Curtis, now dean and director of the division of agriculture of that college.

IOWA STATE COLLEGE,
AGRICULTURE AND MECHANIC ARTS,
DIVISION OF AGRICULTURE,
Ames, Iowa, May 16, 1912.

Hon. H. M. TOWNER,
House of Representatives, Washington, D. C.

DEAR SIR: I have already written to the members of the Agricultural Committees in regard to the Lever extension bill. This bill has my hearty indorsement, but I have all along had the feeling that it does not go far enough to reach the real problem of vital importance to the educational and industrial interests of the United States, namely, vocational education and the training of teachers for such work. This is the most important problem that has been before Congress since the Morrill Act establishing the land-grant colleges. It is of even greater importance than that, because it makes for higher efficiency on the part of our people in preparation for work in agriculture, home economics, and the trades and industries. This is the next and logical step to follow the provision that has already been made for collegiate education along these lines and for experimental and research work pertaining to agriculture.

Extension work is only a part of this secondary educational movement. It will be of immediate and direct benefit to those engaged in production on the farms, but the real hope lies in the training and future efficiency of the boys and girls who are soon to bear the burden of industrial work. This can only be accomplished through the proper direction of the public-school work by Federal aid and a Federal policy, such as has been established in the land-grant colleges through the Federal appropriation for higher education. Provision for extension work, or even for vocational education in agriculture, will not fully meet the requirements. No nation ever became great or maintained a strong place in the commerce of the world by merely playing the part of a producer of raw materials. Education for the trades and industries is just as important as for agriculture.

The only objection I have heard urged against the immediate passage of the Page bill in the Senate and the Page-Wilson bill in the House is on the ground of economy pending the present political situation. I wish to call your attention to the appropriations made by Con-

gress during the past 10 years, and the almost insignificant amount that has been appropriated for agriculture.

Annual appropriations made by Congress.

Year.	Total appropriation.	Appropriation for agriculture.	Per cent for agriculture.
1903.....	\$486,439,306.68	\$5,208,960.00	1.07
1904.....	464,846,770.57	5,978,160.00	1.28
1905.....	467,159,617.03	5,902,040.00	1.26
1906.....	489,241,777.30	6,882,600.00	1.40
1907.....	549,434,246.55	9,930,440.00	1.80
1908.....	555,739,446.78	9,447,290.00	1.70
1909.....	627,516,246.83	11,672,106.00	1.86
1910.....	648,191,676.26	12,995,036.00	2.004
1911.....	663,725,794.84	13,487,636.00	2.03
1912.....	634,549,561.40	16,900,016.00	2.66

The appropriations for agriculture during this period have ranged from 1.07 per cent in 1903 to 2.66 per cent in 1912. In view of this record, I do not believe that any Member of Congress can consistently hold that the amount of money carried by this bill, covering the whole field of industrial education and extension work, is a valid objection.

No more important measure has been presented for consideration by Congress during the present generation, and, viewed from the standpoint of politics alone, no more popular piece of legislation could be passed by Congress at the present time.

With high regard, I am,

Very truly, yours,

C. F. CURTIS.

AGRICULTURAL INTERESTS OF THE UNITED STATES.

Mr. Speaker, there is no more important subject of legislation than the promotion of the agricultural interests of the United States. It is our largest industry, and the one which most intimately and vitally affects the lives and the happiness of our people. To its development should be brought the best thought, the greatest skill, and the highest scientific attainment. The day of empiric knowledge in this great field of human endeavor has passed. The requirements of an exacting era are making insistent and continually increasing demands on the productive resources of the Nation. It will be a double problem the farmers of this age must solve—to be able to meet these demands and to do so without sacrificing their material interests, their manhood and independence, or their rightful share of the benefits of a civilization they have done so much to establish.

CAN OUR FARMERS SUPPLY OUR FOOD?

In the first place, the farmers of the United States must be able to supply the food products for our already immense and rapidly increasing population. Within the lives of those now living our population will exceed 200,000,000. Not only are we increasing numerically, but individual demands are increasing. The per capita consumption of food products now largely exceeds that of even 30 years ago. There are many who believe our farmers will soon be unable to supply the Nation and that we had better arrange to obtain our food supplies elsewhere. The assertion and widespread belief that the farmers of this country are no longer able to furnish at reasonable prices our food supply carried the Canadian reciprocity act. The President has recently said:

The food problem in the United States may in the near future become a serious one. * * * The total acreage of farming lands in the last 10 years has increased only 4 per cent while the population has increased 21 per cent. * * * During the last decade the productivity has increased 1 per cent per acre. * * * Only 150,000,000 more are capable of tillage either by irrigation, reclamation, or drainage.

Recently, at a meeting in Washington of one of the scientific societies, it was openly advocated that a national commission should be established to fix the prices of all food products so as to prevent further increase in the high cost of living. The demand for low-priced food products is imperative in the cities, and is general among those who purchase but do not produce.

It is easy of demonstration that the farmers of the United States can meet every possible demand for food supplies that the Nation may make upon them without calling for help to Canada, or Argentina, or Australia. Throughout our history we have produced an excess of food products. We have been exporters instead of importers. We have never had to call on other countries to feed our people. While it is true that our lands capable of profitable cultivation are now principally occupied or reduced to ownership, it is also true that not one-half of such lands are now tilled. While it is true that our surplus for export grows less, that is because cheaper lands and cheaper labor supply foreign demands.

The productive capacity of our lands now in cultivation has not been nearly attained. The average yield of wheat per acre is but 12 to 14 bushels. It can easily be doubled. The average yield of corn can be still more largely increased. The production of cattle, sheep, and swine is capable of almost indefinite increase. We can support a billion people instead of a hundred millions without calling for outside help.

EDUCATION NECESSARY.

It is because of these facts that education along these especial lines is of such vast importance, not only to the farmer but to all the people. Those who most carefully consider the subject believe that it is possible to secure such an intelligent adjustment of supply and demand that adequate food products can be secured and reasonable prices obtained. It is not wise nor would it be permanently profitable for the farmers to exact exorbitant prices, if they could. Neither is it wise nor would it be permanently profitable for the consumers to demand that the farmer sell his products at ruinous prices.

There is not a material interest in the United States that will not suffer if the farmers suffer. On the other hand, every industry more easily flourishes when agriculture flourishes. It is especially true that general business, the professions, all branches of human endeavor find their opportunity for fullest development in a nation where agriculture is fostered and is prosperous. Conditions which bring and keep prosperity to the farmers are those which tend to the prosperity of all.

As Prof. Curtis has shown, the farmers of the United States have received little direct encouragement from the General Government. It will not only be an act of justice but a wise and prudent policy for the Nation to take a larger part in encouraging and a more immediate interest in developing the agricultural interests of the country. It is for these reasons that this bill and the others of like character referred to should receive the careful consideration of Congress. [Applause.]

Mr. HAUGEN. I yield to the gentleman from Ohio 10 minutes.

Mr. WILLIS. Mr. Speaker, I offer the following amendment and ask to have it pending, and ask that the Clerk may report it.

Mr. LEVER. Mr. Speaker, these amendments are being offered, and I wish to inquire whether it would be in order to reserve points of order now or when they are considered? I wish to know whether it is necessary to reserve a point of order at this time.

The SPEAKER pro tempore. The Chair understands that these amendments are offered for information, to be considered as pending, and the point of order can be reserved and made when the matter is called up after general debate is concluded.

Mr. LEVER. To be on the safe side, Mr. Speaker, I reserve a point of order.

The Clerk read as follows:

In line 5, page 7, after the word "law," insert the following: "And he shall have authority to coordinate all the work contemplated in this act with the work of the United States Department of Agriculture."

Mr. WILLIS. Mr. Speaker, the only objection I have heard from any quarter to this bill was as to the point whether or not it might interfere with the farm-management work now being carried on by the Department of Agriculture. I am frank to say that if I entertained the fears on that point which are entertained by the gentleman from Tennessee [Mr. GARRETT], I think I should be disposed to vote against the bill. It seems to me that that work, the farm-management work, that brings the scientific attainments in agriculture right to the door of the farmer, is of immense importance, and I should be very loth, indeed, to vote for any bill which I thought would interfere with it. I do not believe that this bill would interfere with it, but if there is any danger of it so doing, the amendment which I have offered will remove that danger.

As the Clerk read it, the amendment provides that the Secretary of Agriculture shall have authority to coordinate all the work contemplated in this act with the work of the United States Department of Agriculture. It seems to me that that would do away with any danger of conflict between the work that is sought to be established in this bill and the work already provided for in the United States Department of Agriculture.

Mr. Speaker, I think that no subject which has engaged the attention of this House at this session is of more vital importance than the one now before us. As stated in the first paragraph of the bill, the purpose of the pending measure is to aid in diffusing among the people of the United States useful and practical information on the subjects relating to agriculture and home economics, and to encourage the application of the same.

This purpose is altogether commendable, and the contemplated legislation ought to pass with certain amendments, because it is a long step in the right direction. In the consideration of this subject it seems to me that it is proper to invite attention to the peculiar conditions now surrounding agriculture in this country.

When we make our Fourth of July speeches, and speeches at the county fairs, we are accustomed, and properly so, to talk about the wonderful resources and productivity of this country. We enlarge upon the fact, for example, that the corn crop of this country for a single year is worth a billion and a half of

dollars, a sum so enormous that the product of the cornfields of this country for a single year, when converted into money, would pay all of the national debt, would pay for the Panama Canal, and still leave a few millions of dollars in spending money for the American farmer. Or, to put it in another way, if that corn were put into freight cars, it would make a line almost 20,000 miles long—the product of the American cornfields for a single year. Or take the wheat crop, for illustration. If you put that in freight cars, it will make six lines of freight cars reaching across this continent. That is the wheat crop for a single year. Our cotton crop is worth a billion dollars per year. Our hay crop is worth something like \$700,000,000 per year and would fill a dozen freight trains each reaching from New York to the Golden Gate; or, taking another illustration, while it is a fact that the product of the poultry business in this country is almost double the product of our mines of silver and gold, and all these things indicate the marvelous productivity of American agriculture, yet we ought not to forget the fact that is set forth in a recent report by the Secretary of Agriculture, and that is, that one phase of all our too prevalent, vulgar, boastfulness would be cured if we but realized that Europe, without Russia, the granary of Europe, occupying but 45 per cent of our surface area, tills double the number of acres of wheat, rye, oats, barley, and potatoes that we till, and from that double area devoted to these five crops the farmers harvest four times the number of bushels that our farmers harvest; and in these five crops Europe produces more bushels per capita for their 300,000,000 of people than we do for our 90,000,000. During the past 30 years Europe has increased her acreage yield of these five crops 75 per cent, while we have increased ours but 8 per cent. Their increase is more than nine times as much as ours.

In that connection I desire to refer to a table showing these crop increases, and at this time I will ask unanimous consent to extend my remarks in the Record by inserting certain tables and other matter.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WILLIS. For example, here is a table showing the increase in the yield of the five staple crops in the United States and Germany:

Increase in yield of five staple crops in Germany and the United States.

	Germany.		United States.		Increase.			
	1878-1883	1909	1879	1909	Germany.	United States.	Germany.	United States.
	<i>Bushels per acre.</i>	<i>Bushels per acre.</i>	<i>Bushels per acre.</i>	<i>Bushels per acre.</i>	<i>Bushels.</i>	<i>Bushels.</i>	<i>Per cent.</i>	<i>Per cent.</i>
Rye.....	15.7	29.4	14.5	16.1	13.7	1.6	87.2	10.9
Wheat.....	19.2	30.5	13.8	15.8	11.3	2.0	58.8	14.2
Barley.....	24.5	39.4	24.0	24.3	14.9	.3	60.8	1.2
Oats.....	31.8	59.1	28.7	30.3	27.7	1.6	85.8	6.7
Potatoes.....	115.5	208.9	98.9	106.8	93.4	7.6	80.8	7.6

Let us take the production of rye, for example. In Germany, in the year 1878, the production of rye was 15 bushels per acre. In the year 1909 they had increased that production to 29 bushels per acre. In the United States, in the year 1879, our production of rye was 14 bushels per acre, and in 1909 we had increased our production only to 16.1 per acre. In other words, in that period in which Germany had increased her yield of rye per acre 13.7 bushels, we had increased ours only 1.6 bushels. Let us take wheat. In Germany, in 1878, the average yield of wheat per acre was 19 bushels. In 1909 it was 30 bushels per acre. In this country in 1879 the yield of wheat was 13.8 bushels per acre, and in 1909 we had increased it to only 15.8 bushels per acre. In other words, while Germany had increased her yield of wheat 11.3 bushels per acre, we had increased ours only 2 bushels per acre, and the same thing is shown relatively of the other crops—barley, oats, potatoes, and so forth. In other words, the fact is that through improved methods of agriculture Europe, which we are accustomed to denominate as old and worn out, has been increasing its agricultural production at an amazing rate, and going clear beyond this country in the rate of increase.

Now, coupled with that fact there is another fact we must not lose sight of, and a very important one and one which I think well worth dwelling upon. That is the amazing drift of population to the city, and before I take up that matter I want to refer to some other facts—

Mr. BORLAND. Will the gentleman permit a question?

Mr. WILLIS. Certainly.

Mr. BORLAND. Does not the gentleman think that the different methods, the difference in the production in Germany

and other European countries as compared with our country, are largely due to the difference in the labor conditions? Does not the gentleman know the American farmer, while being intelligent in his profession, is operating largely upon relatively cheap land and relatively far from a labor supply, and he must depend upon casual labor conditions and compete with labor conditions of the city, where work is generally steady and regular, and the opportunity of the American farmer to get good labor makes it harder for him to produce and hampers him—

Mr. WILLIS. Undoubtedly there is merit in the suggestion made by the gentleman from Missouri, but it does not seem to me that the reason given is sufficient to account for the great difference in comparative agricultural production in this country and in Germany. These startling facts so true of the whole country are true to some extent of the great State of Ohio, which I have the honor in part to represent. Relatively, Ohio is producing less fruit, less grain, less meat than a dozen years ago, and yet has almost 1,000,000 more people to feed now than then. Some counties show a gradual decrease in the average crop yield, and within the State of Ohio are thousands of acres of worn-out and abandoned farm lands. Our average yield of wheat per acre is 14 bushels; corn, 38 bushels; oats, 32 bushels; and hay, 1 ton. It is perfectly apparent that these yields are far below what they ought to be and what they can be and will be under a system of scientific agriculture. The average product of the Ohio dairy cow is 150 pounds of butter fat annually. Feeding and proper care would easily increase this product to 200 pounds.

The time has come when we must realize that farming to be successful must be carried on scientifically. And if we are to feed our increasing millions and to maintain the amazing prosperity of this Republic we must look to it and see that agriculture is carried on in this country according to the best methods.

Coupled with this comparatively small increase of agricultural production, and in some cases a positive decrease, is the further fact that under our modern system of transportation and distribution the rural producer gets only a comparatively small share of the selling price of his product. As is shown in a table which I shall insert here and which is carefully prepared from statistics collected by the Department of Agriculture, the producer's share in per cent in the price of milk is only 50.

Commodity.	Unit of sale.	Producer's share.
		Per cent.
Milk.....	Quart.....	50
Butter.....	Pound.....	87
Poultry.....	do.....	50
Eggs.....	Dozen.....	69
Cabbage.....	Head.....	48
Do.....	Pound.....	65
Celery.....	Bunch.....	60
Apples.....	Bushel.....	56
Do.....	Barrel.....	66
Strawberries.....	Quart.....	49
Do.....	Crate.....	76
Onions.....	Peck.....	28
Do.....	Barrel.....	58
Oranges.....	Dozen.....	20
Do.....	Box.....	59
Oats.....	Bushel.....	74
Melons.....	Pound.....	50
Parsnips.....	Bunch.....	60
Potatoes.....	Bushel.....	59
String beans.....	Barrel.....	80
Sweet potatoes.....	do.....	61
Turnips.....	Bunch.....	60
Watermelons.....	Each.....	34

That is to say, the man who runs the dairy farm, furnishes the cow, cares for her, feeds her, and attends to the milking, gets but 50 per cent of what is paid for the milk by the ultimate consumer. In case of poultry the farmer's wife who raises the chickens gets but 50 cents out of every dollar that is paid for them by the consumer. The producer of onions gets only 28 per cent of the consumer's price. The producer of oranges gets only 20 per cent. The producer of cabbage gets only 48 per cent of the price paid by the consumer. The producer of potatoes gets only \$59 out of every \$100 paid by the consumer. The man who raises the watermelon gets only 34 per cent of the price to the consumer. In other words, with the agricultural production increasing only slowly and in some cases absolutely decreasing, with only a small share of the consumer's price going to the producer, it is very apparent why the cost of living is high. We see clearly two of the reasons that enter into this great problem. Of course, there are other factors, which it is not our purpose here to discuss.

What are the remedies? First, an improved system of transportation and distribution; second, a better system of agricultural production. An immediate necessity for relief in both of these suggested directions is made apparent from an examination of the statistics prepared by the Census Bureau relative to the drift of population to the cities and the comparative depopulation of the agricultural districts. For example, in the State of Ohio, as shown by the bulletin issued by the Bureau of the Census, there are 39 counties that have decreased in population during the last decade, the rate of decrease ranging from one-tenth of 1 per cent in Lawrence County to 17.4 per cent in Paulding County. The decrease in numbers was from 46 in Lawrence County to 5,225 in Wood County. In Ohio, in 1890, 41 per cent only of the total population lived in cities. In 1900 it had increased to 48 per cent and in 1910 it had increased to 55.9 per cent. In 1890, 59 per cent of the total population lived in the country; in 1900 it was only 51 per cent and in 1910 it had decreased to 44 per cent. The urban population is increasing and the rural population is decreasing. There are in the State of Ohio 62 counties out of 88 in the whole State in which the rural population decreased, but there are only 8 in which there was a decrease of urban population.

A study of the map in this bulletin on the population of Ohio shows the startling fact that all through the great agricultural regions of that rich State the population has decreased relatively in the past 10 years. In some cases there has been a steady decrease for 20 and even 30 years. The same general truth is illustrated in another census bulletin which I have before me showing population in the United States. In this bulletin the fact is brought out that there are 252 counties in the United States that have a smaller population than 30 years ago, and practically all of the 252 are agricultural counties. The census bulletin classifies as urban population all that residing in cities and other incorporated places of 2,500 inhabitants or more. I present here a table showing the population of continental United States and the per cent distribution as between urban and rural population.

Class.	Population of continental United States.			
	1910	1900	1890	1880
Total.....	91,972,266	75,904,575	62,947,714	50,155,783
Urban.....	42,623,383	30,797,185	22,720,223	14,772,438
Rural.....	49,348,883	45,107,390	40,227,491	35,383,345
Per cent distribution.				
Total.....	100.0	100.0	100.0	100.0
Urban.....	46.3	40.5	36.1	29.5
Rural.....	53.7	59.5	63.9	70.5

According to this table, in 1880, 70 per cent of our people lived in the country; in 1890 only 63 per cent; in 1900, 59 per cent; and in 1910, 53 per cent. In 1880 only 14,000,000 of our people lived in cities; in 1890 there were 22,000,000; in 1900, 30,000,000; and in 1910, 42,000,000. Our people are leaving the country and drifting to the city, and we may just as well face the fact and legislate accordingly.

From the hearings before the Senate committee on the Page vocational educational bill, it is shown that for a hundred years in this country we have been taking the boys and the girls away from the farm and bringing them into the cities. Fifteen or 25 years ago it used to be the practice for one or two boys or one or two girls from a large family to go to the city. Now the farmer sells the farm, and the whole family moves there, and he is oftentimes the best farmer in the community. These cold facts are startling and amazing, and are worthy of the most serious consideration by all those who are interested in our country's welfare.

In the New England division of our country more than four-fifths of the population, in 1910, lived in urban territory, as set forth in the report by the Census Bureau. In the Atlantic division the urban population consisted of more than seven-tenths of the total. The proportion for the State of New York was very nearly four-fifths. In the east, north, central, and Pacific divisions the urban territory contained more than one-half the total population in 1910.

In each of the nine geographic divisions the proportion of the population living in urban communities was larger in 1910 than in 1900 and larger in 1900 than in 1890. The increase from 1900 to 1910 in urban and rural population for the United

States is shown in the following table from the census bulletin referred to before:

Class.	Population in—		Increase, 1900-1910.	
	1910	1900	Number.	Per cent.
Urban territory in 1910.....	42,623,383	31,609,645	11,013,738	34.8
Rural territory in 1910.....	49,348,883	44,884,930	4,463,953	11.2
Total population.....	91,972,266	75,994,575	15,977,691	21.0

The increase for the population in urban areas was over three times that of the population living in rural territory. Of the total increase in the population of continental United States during the past decade seven-tenths was in urban territory and only three-tenths in rural territory. These startling conditions demand a remedy, and a remedy is at least indicated by this bill and by the work which has heretofore been done by the Farm Management Bureau and other bureaus in the Department of Agriculture. In the report of the committee accompanying this bill a quotation is made from a recent address by the President, in Kansas City, in which he said:

The welfare of the people is so dependent on improved agricultural conditions that it seems wise to use the welfare clause of the Constitution to authorize the expenditure of money for improvement in agricultural education and leave to the States and private enterprise general and other vocational education. The attitude of the Government in all this matter must be merely advisory.

It is now proposed to organize a force of 3,000 men, one to every county in the United States, who will conduct experiments within the county for the edification and education of the present farmers and of the young embryo farmers who are being educated. It is proposed that these men shall be partly paid by the county, partly by the State, and partly by the Federal Government; and it is hoped that the actual demonstration on the farms in the county—not agricultural stations or schools somewhere in the State, but in the county itself—shall bring home to the farmers what is possible to do with the very soil that they themselves are engaged upon.

This is a wise and statesmanlike suggestion and in harmony with the general purposes of the pending bill. It is quite apparent with our rapidly increasing population and the comparatively small increase in our agricultural production that the time is close at hand when if there is not more efficient work done on the farm under scientific management the country at large is bound to suffer.

At the same time that our population has increased 20 per cent the farm acreage has increased only 4 per cent. If our population shall increase as rapidly in the next 50 years as it has heretofore, this country will have a population of upward of 200,000,000 people. In order to keep this vast population upon the high standard of living to which American citizens are accustomed and with the maintenance of which we are all concerned, the interest of our people in farm work must be increased and better methods must be used everywhere. The United States Department of Agriculture, working through its various bureaus, especially through the Bureau of Farm Management, blazes the way. No appropriation made by the Government brings so large returns as does the appropriation which goes to the Department of Agriculture. None of that money is more productively expended than that which is used for the farm-management work. The funds so expended are vastly more beneficial to all our people than are ambitious foreign policies and huge navies.

It is hoped and believed that this bill if enacted into law will not interfere with farm-management work, but on the contrary will be carried on in coordination with it.

The problem of the distribution of our population and the proper increase in our agricultural production is one of the mightiest that can possibly concern us, and we can make no mistake in legislation for the encouragement of agriculture. To the end that the life of the American farmer may be made more attractive and profitable and that more of our people may be encouraged to live in the country, where the good Lord intended them to live, and thereby aid in the solution of this mighty national problem, let us pass this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that all who desire to extend their remarks on this bill may have five legislative days within which to do so.

The SPEAKER pro tempore. That request has been submitted, that all who speak upon this question have five legislative days to extend their remarks upon this bill. Is there objection? [After a pause.] The Chair hears none.

Mr. CLINE. Mr. Speaker, I am in favor of this bill because it proposes that this Government of ours shall not only find the young men and women of the country, but "help them to find

themselves." It proposes that the State shall go into the business of making the future citizens of the Republic useful to a greater degree than heretofore. I have no other purpose than to vote for this bill, but before doing so I should like to see it very much enlarged in its scope and purpose. I believe in vocational training. I would not limit the Federal aid that we are proposing to give the several States to agricultural and home economics. I would embrace within its provisions the mechanic arts. The great commercial countries of the world that enter into competition with us are teaching their young men how to do mechanical and technical work, and turning them from the Government shop into the factories to meet us with the skill of their acquirements in the markets of the world. Our purpose in the giving of Federal aid ought not to be to advance one line of employment to a higher plane, but to move the great mass of our citizens to a sphere of greater usefulness and efficiency. I believe fully in the Democratic platform of vocational training for the youth of the country. The interdependency of all the agencies in the commerce of the country go to make up the splendid whole. I would extend with an impartial hand to every young man and woman, through proper educational agencies, the assistance that would help us to advance with that confidence we now have in our ability to compete with our brains and our energy in the markets everywhere. The Government should get close to the boys and girls and teach them to know, more forcibly than ever before, that this great force called organized society has emergency use for these units in the social structure. I do not underestimate the necessity for and value of scientific knowledge in the pursuit of agriculture, but agriculture is only one of the elements of our commerce.

Men and women interested in social problems may well inquire what we are to do with the multiplied thousands of young men and women who are flocking to the cities and centers of population of the country, where employment is becoming harder and more difficult to find every day.

Voicing the demand that is now becoming insistent for the special training of the youth for such lines of employment as the country needs and as a partial solution of the social problem confronting us, I quote from the recent report of the president of the board of education of the city of Chicago, made for the year ended June 30, 1912, as follows:

VOCATIONAL AND CONTINUATION SCHOOLS.

The attention of the educators of the country is now centered on the question of necessary provision for the children of our schools who pass the legal compulsory age limit without graduation. Every year thousands of these children are leaving school from the fourth to the eighth grades, inclusive, with little or no preparation for the work which the industrial interests can offer to persons of immature age and experience. The one dominating purpose of both the child and the parent is "to find a job," regardless of the lack of adaptability of the child to the particular work which he finds to do. It is readily seen that the problem of the child in his unguided effort to secure employment is a serious one, and the hope of permanency in the position which he may attempt to fill is based wholly on the laws of chance. As an outgrowth of the inadequate facilities which our schools can offer to these young people, we have the example of many boys without employment who are roaming the streets, forming habits of idleness and consequent immorality. The duty of the public toward these children has long been a matter of discussion, and the evidence of their right and needs are so apparent as to carry the question beyond the necessity for further argument.

The last census report, just out, shows that the urban population in the last decade increased 34.9 per cent, while the rural population increased only 11.2 per cent. The great drift is to the cities of the country, and not to the farm. The problem for the Nation to solve is how to find employment for the thousands of young men and women who must earn a living either in mechanical, professional, or clerical work. Industry is the greatest enemy of crime and immorality. The man or woman who is constantly employed not only is taken out of the conditions that foster crime, but becomes interested in the success of business and the prosperity of the country. The changed requirements in commercial lines not only require more labor, but better and more efficient labor. Always that labor that is most intelligent is most profitable to its employer. That knowledge need not be, either, especially along the line of the employment. A wide general knowledge covering all subjects possible that gives a fund of general information benefits the employee in his general work. This intelligence reenforced by special knowledge to enable him to do certain work becomes especially valuable not only to the employer, but it becomes valuable to the wage earner, because his ability brings him far greater returns. Now, what is the condition of our student population with reference to either vocational or general scholastic training as a basis for the work of the future?

Dr. Claxton, United States Commissioner of Education, states that 92.93 per cent of all the children entering the public schools never get beyond the eighth grade. Only 5.35 per cent ever get into the high school and only 1.71 per cent reach the college and

university. The fact might further be stated that only this 1.71 per cent ever have any special training for their future work. The other 98 per cent go out into the world asking employment in lines they have scant qualifications for. I am not concerned about the high-school and college portion, the 7 per cent of the school population—they can take care of themselves in the teaching and professional work of the country. It is the 93 per cent that I am interested in—the class from which are recruited the unemployed, the criminal classes, and the immoral recruits in the social fabric, the men and women without a job who should interest and receive our attention. In the swift competition for wages, places, and employment the uneducated girl or boy does not find the gates open to them. They lack that skill to do the work and do it quickly that the employer is looking for when he employs help. This age, with its enterprise and demand for swift result, does not have any time for the boy nowadays to learn a trade at the expense and time of the employer. That period has passed. The man who wants to work must come with his tools and know how to use them to the very best advantage of the employer or there is no job open for him. The employer must have that kind of help, for he must reduce the cost and increase the volume of his output so that he can meet competition wherever it exists, and to do this he must have skilled labor.

We ought not only to support this bill that provides for better industrial education of the girl and boy, but we ought to support it from a moral and commercial standpoint. Whenever you persuade a boy to earn a living, as a rule, you make a moral man of him and commercially he succeeds. All trades and commercial lines of business and agricultural pursuits are demanding more and better labor—more and better mechanical equipment—increasing the necessity for ability to operate the business. The energy and strenuousness of our industrial life force us to meet the demands of the commercial age. The upward trend, in not only our own country but in every country, makes it a necessity for us to educate the boys and girls, especially for the business they desire to be employed in. Quickness of communication, rapid transportation of merchandise, facilities for information, all these elements of business make the demand strong for the best skilled labor constantly attainable. We want to set on fire the latent capabilities of every boy and girl and make him feel that he is a factor in this mighty rush of progress with which we are filling the world. We can not afford to repress a great force in our industrial life by failing to invite, through special education, the latent powers of the girl and boy from its confines and let it do its best. There is not a State in the Union but that needs these vocational schools that will point as a guideboard to the successful highway for the girls and boys to travel in to success. We want the masses of our citizenship to succeed. That is the perfection of government—to make the citizen self-supporting and happy; and the way to do it is to help him who wants to help himself. Our unlimited resources are welcoming the industrious on every hand to create the wealth for this mighty Nation and share in the fruits of industry and economy. Capital ought to invite this investment to their aid as an auxiliary force in accumulation of larger and larger dividends. Give us the trained intellect of this young Nation of young boys and girls that they may put their brains into the business in which they are employed, and we will not only double our exports of manufactured products but increase immeasurably the comfort and happiness of our own people.

There are other angles of viewpoint to this question. We have spent millions and millions of Federal money in our coast cities, in fortification, shipyards, rivers and harbors, resulting, of course, in benefit to the whole people. All parts of the country have cheerfully given to these great national measures. Why not distribute some of this Federal help to the interior of the country in the shape of vocational schools where the hundreds and thousands of growing youth can have the practical benefits of the expenditure. We owe it to the laboring man, the man on a small salary, with children to whom he can not give the advantages that his more fortunate neighbors can, to place his children on an equality in the start for the world's work that they shall have to engage in. We want to send back to the farm the girls and boys with a practical and experimental education that they may not only know how to retain the productivity and fertility of the soil, but that they may know how to produce more and get quicker and better returns for their labor.

We are landing in this country, approximately, 100,000 foreigners a month, many of them desirable citizens. Many of them, though, not in sympathy with our institutions. It must be the business of this great country to assimilate them into

this Government, and instead of making their coming a menace to our liberties to make them a factor in good government. A great vicious force, set against capital and industry individually, must be wrought into the citizenship by teaching them that industry and good morals and an obedience to law are the first elements of personal liberty and free government.

It has been said that the expense will be great. No man counts the expense or the amount of an investment so long as the investment brings a good return. That is all we are interested in. No one doubts that the dividend will be paid. The great growth in industrial training and the results show whether there is a demand for this kind of instruction.

There is another feature of this bill that I like. That is the partnership feature in it. It says to the State it will go into company with you and if you will contribute so much for the industrial education of your boys and girls the Federal Government will give as much as you do for the purpose. The Government wants to unite with the State in the perfection of her citizenship. I do not agree entirely with the administrative features of this bill, but I do most heartily agree with its ultimate purpose.

Mr. LEVER. I yield two minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I do not know whether I shall vote for this bill or not. I hope I may, but I shall not do so unless I am satisfied that it will not interfere with or handicap or circumscribe the activities of the bureau in the Department of Agriculture recently presided over by Dr. Knapp. I think Dr. Knapp was one of the greatest men, measured by deeds done, that we have had in this country for many years. The people throughout the South, our farmers and farmers' organizations, are raising a fund in that country to erect a monument to the memory of Dr. Knapp as a tribute to the great work he did in this farm demonstration and co-operative work. I hope that if the bill as drawn now can be construed to limit the activities of that bureau or to transfer from the department to the State the functions that are now performed in that particular bureau, that the bill will be amended so as to make that construction impossible. I understand one of the purposes of the bill was to curtail the activities of that bureau. Now, if that is true, it is my personal intention to vote against it, because I think it is too valuable a work to be interfered with in any possible way.

Mr. LEVER. I will yield to the gentleman one minute more.

Mr. HUMPHREYS of Mississippi. I have no intention of trying to elaborate on what I have suggested. I simply wanted this opportunity to express that view and to get the assurance of the gentleman from South Carolina—for whose opinion I have the greatest respect, because I know there is no man in this country who is more deeply interested in all that makes for the betterment of the farmer than he—that this bill will not cripple the activities of that particular bureau.

Mr. LEVER. I will say to the gentleman from Mississippi frankly—and I wish I had time to discuss it—as I said to the gentlemen from Tennessee [Mr. GARRETT] awhile ago, that in the course of time, 10 years it may be—and it is bound to be that long; it may be 20 years—the work in a measure will be transferred from the department to the agricultural colleges.

I yield to my colleague from South Carolina [Mr. AIKEN].

Mr. AIKEN of South Carolina. Mr. Speaker, having been reared upon a farm, I can never be weaned from the country people and am glad to embrace every opportunity to aid in the advancement and betterment of people engaged in agricultural pursuits of our entire country.

It is not generally known by the Members of this House what a long, hard fight was made to elevate the Department of Agriculture to the position it now occupies—second to none in importance in this Government.

My father, then a Member of this House, made the first report from the Committee on Agriculture, January 21, 1884, to the House to provide for the establishment of the Department of Agriculture and for the appointment of a Secretary thereof. The act creating the Department of Agriculture became a law February 9, 1889, and President Cleveland appointed Norman J. Colman the first Secretary of Agriculture February 11, 1889.

Now, Mr. Speaker, this bill to establish agricultural extension departments in connection with agricultural colleges in the several States should have the ready and unanimous support of Congress.

In agriculture, as in charity, "there is a giving that enricheth." The soil is a storehouse in which are locked the secrets of nature, and science carries the key. By national aid and by effort of the States the door of opportunity in agriculture is being opened, but science alone can not carry its re-

searches to the people. This is the part of the understudy, the experimenter, and it is the purpose of this bill.

Our fathers knew that newly cleared lands were more productive than lands planted continuously to a single crop, but they did not know the secret of restoration, and so they wore out their old fields, abandoned them, and cleared new lands. With a scattered population and millions of acres of land, fresh from the hand of nature, this country has long since outstripped all others in the aggregate of production. But our natural advantages of soil are waning, our population is increasing rapidly, and we now find ourselves face to face with the prospect of being forced into foreign markets to buy much of our food supply.

Twenty-five years ago, the agriculture of Belgium was in a deplorable condition. The remedy was found in extension work, such as is proposed in this bill. As a direct result of demonstration work in Belgium, between the years 1885, when demonstration work was introduced, and 1910, the average yield of wheat per acre increased 14.01 bushels; rye, 12.73 bushels; oats, 31.69 bushels; and barley, 19.32 bushels. Nearly all European countries lead this country in production per acre averaged, a fact that is explained by the more intensive methods of farming by the foreigner. In Germany and Holland large families subsist on the products of 2 to 4 acres of ground, while here 25 acres make but a small farm. The foreigner has been driven to intensive methods by the lash of necessity. This country has been living on the prodigality of nature.

The United States spends less for farm-extension work, in proportion to its population and agricultural area, than any European country with the possible exception of Spain. Liberal as we may think this Government has been in promoting agriculture, less than 1 per cent of its annual appropriations have been used for this purpose. And yet, for many years to come, agriculture must of necessity be the chief source of national wealth.

Agriculture in the United States is still in its infancy, and with the touch of applied science can be made to double production many times. Nearly all the States, realizing this, have established agricultural colleges which are teaching the science of agriculture. The deductions of the scientist had to be tried out in experiments, and in this the Government has aided by passing the Hatch Act, contributing to the maintenance of experiment stations. The next logical step was to carry the experiments to the people, a work begun under Dr. Knapp in 1904, and which this bill is intended to amplify.

One scientific farmer in a neighborhood will bring up the standard of farming in the entire community. At first his methods are scouted, then watched, and finally adopted. All of us have seen this result, and it demonstrates in a homely way the wisdom of extension work. There should be located a farm demonstration agent in every county of the United States, about 3,000 in all. These men should give immediate supervision to one or more farms in each county and should co-ordinate with all adjoining farmers, so that from these centers would radiate influences that would revolutionize farming. Such work has already been begun on a small scale and results have been amazing.

Just prior to the Civil War all the property of this country was assessed at \$12,000,000,000, and the South owned 44 per cent of this. It is estimated that the Civil War destroyed, directly and indirectly, more than \$5,000,000,000 worth of property in the South. Prior to the war South Carolina was \$68,000,000 richer than Rhode Island and New Jersey combined. After the war so great was the reduction of values in the South that Massachusetts alone returned more than half as much property as all the Southern States combined. Stripped of her wealth, bereft of much of the flower of her manhood, the task of recuperating the agriculture of that section would have staggered and perhaps crushed any other people on earth. How well she has acquitted herself of the task let the records say.

Marvelous as has been the agricultural recuperation of the South, the real work of production is just begun. Drake's 255 bushels of corn per acre and the boy Jerry Moore's prize acre of 228½ bushels, both raised on South Carolina lands, only demonstrate what may be done in the South. We need but to put a Drake, a Moore, or a Williamson in every township of the South, and this country can feed the world. The South Atlantic and Gulf States, by reason of the long growing season, abundant rainfall, favorable climatic conditions, and varying soils of varying altitudes, are the natural agricultural States of the Union, and the products of these States constitute the Government's largest commercial asset. Nowhere on the earth's surface is there a large area of land so favored by points of advantage for farming and so signally free of disadvantages as the Gulf and South Atlantic States. Uncle Sam has his hog

pasture and his cattle pasture and his wheat and corn patches that he can depend on sometimes, but his real farm, his money crops, and his garden spots lie in the Atlantic and Gulf States. Until recently this part of his possessions has been neglected—left to work out its own salvation.

To illustrate the leavening effects of demonstration work, I desire, in brief, to cite the history of the work in South Carolina, for the reason that I am more familiar with this.

About 25 years ago Clemson Agricultural College, the greatest agricultural college in the Southern States, was established in South Carolina. At that time more than 75 per cent of the lands of the State were under mortgage; farmers were discouraged, and many abandoned their farms and moved into small towns. In time an experiment station was established in connection with the college. The station took up the analysis and adaptability of soils while the college was educating hundreds of boys in agriculture. For 10 years the work of the college and station was scarcely perceptible; it was preparatory work. Then extension work was introduced on a small scale, and good results were immediate. In 1904 Dr. S. A. Knapp came into the State, and working with and through the college amplified and enlarged the extension work of the college. As a result of the small amount of extension work done agriculture has improved more than 33 per cent; and during the year 1911 the corn yield in South Carolina was double the average yield for the 10 years previous, and yet the production of all other crops was greatly in excess of previous years.

There is a large area of land in South Carolina between Columbia and Charleston that has been considered worthless. The Southern Railway deeded 300 acres of the worst of this land to Clemson College, conditioned that the college establish an experiment station on it. Soil experts of the college made analysis of the soil and found that it was rich in all or nearly all the requirements for plant food, but that these properties were inactive because the section was submerged in water. Drainage then was the solution, and to this the college directed its energies. Prior to the college taking over the land it would not make a pound of cotton or a peck of corn to the acre. Now, under the skilled hand of the scientist, it is yielding crops that would rival the crops of the Nile. Corn, cotton, vegetables, grasses, all grow to perfection on the station, and this demonstration alone will likely be developed into one of the richest producing areas of the State. The station is located about 20 miles above Charleston on the Southern Railroad, and already scientific agriculturalists and truck men are making preparation to settle near by.

Clemson College has under way still another station, and, I am informed, contemplates still a fourth. These will each be located in sections of varying soils and altitudes, and will practically cover conditions over the entire State. If other States will follow South Carolina's lead, and the National Government will carry the work of the stations and colleges to the people, the problem of rural emigration will have been solved. Give farming an equal chance with other vocations, demonstrate the profit in it, and the farmer will stick.

Conditions as regards rural advantages have very much improved in South Carolina in the last decade, though in many sections of the State there is great room for improvement still. In my district practically every section is connected by telephone. The mail is carried to the door of almost every man. Trolley lines are being built, connecting country and town. Many farmers have their own electric lights and waterworks and travel in automobiles. These are the immediate results of improved methods of farming, and the State is not yet even in the morning of its development. Though we hold the world's record for the production of corn per single acre and the championship for the production of cotton in proportion to area; though we grow apples in the mountains, peaches and plums in the midland, vegetables on the coastal lands, and field crops everywhere; and though we grow all these things in perfection, we need the assistance of the National Government to make the best conditions general and to carry development to the door of every man. Every dollar spent in this way will, in time, be returned to the wealth of the Nation a hundredfold. Agriculture can be restored, in point of preference as a vocation, to its proper station; the Nation, already the richest in the world, can double its assets; and our people will become more and more content as agriculture becomes more and more prominent in our industrial policy. Profitable farming spells back to the farm. Back to the farm spells relief for the congestion of unemployed in our cities, and a consequent healthy public sentiment.

Though South Carolina is the second cotton manufacturing State in the Union, and hundreds of thousands of horsepower waterpower are yet unharnessed, manufacturing is normally a secondary industry with our people. Opportunities for manufacturing were so great as to hasten prematurely our manufac-

turing period, and this, considering our small white population from which the manufacturer had to draw, seriously crippled agriculture.

Now, with improved methods of farming, the exodus has again set in toward the country, and the two great industries, farming and agriculture, are working hand in hand for the certain preeminence of our State.

We are on our feet; we are working for the prosperity of the Nation; we beckon to our sister States to follow. Give us and our sister States a helping hand and the achievement of the past will not even foreshadow the future wealth of this Nation. [Loud applause.]

Mr. HAUGEN. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. Mr. Speaker, I desire to have the following amendment read and remain pending until the proper time.

Mr. HAUGEN. Mr. Speaker, I reserve a point of order on the amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting, after the word "to," in line 13, page 2, the following: "Students in graded public schools in districts of not less than 25 square miles in area and to other," so that section 2 when so amended shall read as follows, to wit:

"SEC. 2. That it shall be the object and duty of said agricultural extension departments to give instruction and practical demonstrations in agriculture and home economies to students in graded public schools in districts of not less than 25 square miles in area and to other persons not resident in said colleges in the several communities, as may be provided by the States accepting the provisions of this act, and to convey and impart to such persons information on said subjects through field demonstrations, publications, and otherwise."

The SPEAKER pro tempore. The gentleman from Iowa reserves a point of order on the proposed amendment. The gentleman from Oklahoma [Mr. MORGAN] is recognized.

Mr. MORGAN. Mr. Speaker, as indicated by the amendment which I offered, I believe this bill should be amended, and I believe it can be improved by the amendment which I offer. However, if the amendment which I shall offer be not adopted, I shall then support the bill as it has been presented by the committee.

Mr. Speaker, I regard this in many respects the most important bill that has been before this House during this long session of Congress. I do not think that we as representatives of the people of the United States really comprehend the importance of this subject. In my judgment, if something is not done to encourage the agricultural interests of this country, in the near future many great evils will overtake all classes.

In some remarks which I made here a few weeks ago on this very bill, when another bill was under consideration, I said that there were four propositions which I considered self-evident: First, that agriculture should grow as rapidly as our population; second, that the production of food products should also increase as rapidly as our population; third, that our rural population should increase as rapidly as our urban population; and fourth, that agriculture should grow as rapidly as other important fundamental industries of our country. The fact is, Mr. Speaker, that the statistics gathered by the Census Bureau in 1910 demonstrate that not one of these propositions is true. Agriculture is not growing as rapidly as our population. From 1900 to 1910 the population of this country increased 21 per cent, the number of our farms increased 5 per cent, the amount of our farm land increased 7 per cent, the amount of our improved land increased 15 per cent, showing that the growth of agriculture is not keeping pace with our population. Second, the production of food products is not increasing as rapidly as our population. Our population increased 21 per cent. The acreage devoted to the production of cereals in this country, between 1900 and 1910, increased but 7 per cent, and the production of cereals increased but 1.7 per cent. Now, to my mind, it is alarming that in this great country our population is increasing in a decade 21 per cent, and our cereals, which constitute largely our food products, are increasing but 1.7 per cent. The rural population is not increasing as rapidly as our urban population. As has been stated here this afternoon, from 1900 to 1910 the urban population increased 34 per cent and a fraction and the rural population increased but 11 per cent. Thirty years ago 70 per cent of our population was in the rural districts. To-day not exceeding 45 per cent of our population is in the rural districts. Ten per cent of the entire population of the United States is in three of our great cities. Twenty-five per cent of our entire population is in cities containing 100,000 or more of population. In some way we must arrest this flow of population from the country to the city. In some way agriculture must increase as rapidly as the population. In some way the production of food products must be made to increase as rapidly as the growth of our population.

There has been in recent years much discussion about the high cost of living. To my mind, Mr. Speaker, the figures which I have quoted here in my few remarks explain a large part of that condition.

Now then, I believe that this bill should be amended in accordance with the amendment which I have presented, in order that the instruction which is given by virtue of this appropriation shall go to the rural graded schools, and when I have an opportunity I hope to discuss that part of the subject. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. PEPPER].

The SPEAKER pro tempore. The gentleman from Iowa [Mr. PEPPER] is recognized for five minutes.

Mr. PEPPER. Mr. Speaker and gentlemen of the House, I have become very much interested in this bill because it carries forward a work that has been in progress for the last six or seven years, a work that is going to accomplish in practical results more than has ever been accomplished before since the Agriculture Department has been organized.

I suppose the question of the increased efficiency in the science of agriculture would not arise to as great an extent in the State from which I come as it would in some other States. I do not think I need be accused of exaggeration when I say that there is perhaps no State in the Union that stands as high in agriculture, in the broad and systematic development of that science, as the State of Iowa. [Applause.] The soil and climate of Iowa conduce to the raising of immense crops. The farmers out there are prosperous. There is not any question about a famine in that State. And yet I find that the statistics show that the progress in agriculture in my State has not been as rapid as it has been in foreign countries and in some other States of this Union.

The fact of the matter is, that the pioneers who went to such States as Iowa and settled there and developed that country went there chiefly to found homes. For years farming has been simply a means of securing a livelihood only. In recent years, however, we have come to recognize the fact that farming is a business proposition. In other words, it is not going to be a question in the future of securing a fair price for farm products, but the problem is going to be to raise enough of farm products to supply the demand.

And so I say that this bill is along the right lines. It is going to bring the technical knowledge, the actual developments of science, right down to the door of the American farmer, and I want to assure the Members of this House that this so-called question of book farming is not the bugaboo that it once was among the farmers. Recently I had reason to go out to a certain farming locality in my district, and I found there a discussion going on among farmers about raising enough money to secure the services of one of these farm experts to come among them and inaugurate their demonstration work. I was interested in the number of farmers who had gathered to discuss that proposition, and I was surprised to find that the farmers are vitally interested in this proposition. I was surprised to find the amount of interest that had been stirred up already among the farmers of my State with reference to the developments in the Department of Agriculture. And so I say that this bill is going to help to bring this technical information to the door of the American farmer. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PEPPER. Can I have a little more time?

Mr. LEVER. I yield three minutes more to the gentleman, Mr. Speaker.

Mr. HAUGEN. And I yield two minutes to the gentleman.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for five minutes more.

Mr. PEPPER. Now, if I thought, with other gentlemen, that this enactment would interfere with the crop demonstration work that is now being conducted by the Department of Agriculture, I would certainly be disposed to criticize this bill. But gentlemen know that to-day the Agricultural Department is cooperating with the agricultural colleges of this country in the very kind of work proposed by this bill. The plan of Dr. Spillman is to have a State leader in every State, half of whose salary is to be paid by the General Government and half by the agricultural college of that State, for the purpose of general supervision of the experts in the employ of the counties, and I can not see how there can be any lack of harmony between the purposes of this bill and the general plans of the department.

Mr. BEALL of Texas. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. PEPPER. I do.

Mr. BEALL of Texas. Do I understand from the gentleman's argument that there is to be a duplication of this cooperative work?

Mr. PEPPER. I do not believe so.

Mr. BEALL of Texas. In other words, that the Agricultural Department will carry on this work as it has been carried on heretofore, and in addition to that the States of the Union will engage in it?

Mr. PEPPER. I do not believe that will happen, for the reason that you will find that in every State where an agricultural college is in existence the men connected with it in every capacity—the professors and the instructors—are insisting upon a thorough cooperation with the department at Washington, so that there is not any possibility of conflict.

Mr. BEALL of Texas. Do they have cooperation now? If so, what is the necessity of spending this extra \$3,000,000 a year?

Mr. PEPPER. The necessity is just this, as I look at it: Under the present agricultural bill, to illustrate, there are three counties in the State of Iowa that are going to have the benefit of the appropriation carried in the bill. Every county in the State of Iowa would have the benefit under this bill. I believe that there can be a more scientific handling of the money. It is all the same money. It comes out of the Federal Treasury, whether you appropriate it in the agricultural bill or whether you carry it in this bill. It is a Federal fund. I believe the plan can be handled better by having it enacted into law in the form of a definite policy of this Government, and carry the extension work into every county in the United States and bring to the farmer the actual technical knowledge gathered by the experts and by the men who have given years of study to this subject, who will bring it to their doors.

Mr. BEALL of Texas. What basis have you for the belief that the passage of this bill will not interfere with the demonstration work such as is now being conducted by the department?

Mr. PEPPER. Nobody has pointed out how it will interfere, and therefore in the absence of any information of any kind showing why it will interfere I assume, I think quite naturally, that it will not interfere.

Mr. GARRETT. Will the gentleman permit me there?

Mr. PEPPER. I yield to the gentleman from Tennessee.

Mr. GARRETT. The report of the committee points out where it will interfere.

Mr. McLAUGHLIN. Will the gentleman allow me to ask him a question?

Mr. PEPPER. Yes.

Mr. McLAUGHLIN. Does not the gentleman know that the money to be used in the South is solely to combat the ravages of the boll weevil?

Mr. BEALL of Texas. I know that originally the demonstration cooperative work in the South started as the result of the boll weevil, but it has far outgrown that.

Mr. LEVER. But they have made it under that pretense.

Mr. McLAUGHLIN. The expenditure of the money is not permitted except for the purpose of meeting the ravages of the boll weevil. Is not that true?

Mr. BEALL of Texas. The boll weevil in some respects was a very unfortunate business.

Mr. McLAUGHLIN. No; I think it was a fortunate business.

Mr. BEALL of Texas. But in another way it has served a very useful purpose.

Mr. PEPPER. I want to say to the gentleman that, so far as I am concerned, I believe the disposition of the amount of money that is contemplated in this work should be fixed by law, rather than by a policy of the Agricultural Department. Therefore I am in favor of whatever policy Congress adopts being put into law, saying exactly how we want this money expended.

Gentlemen opposed to this bill can not hope to hide behind mere technicalities. If you are opposed to the proposition, you should come out in the open and say so. So far as I am concerned, I believe in giving every aid possible to the American farmer. He and the work that he does forms the bulwark of our national prosperity. If the Government can assist him in solving the many problems constantly arising, we owe it to him and to the people generally to do so.

We hear these days a good deal about "conservation of our national resources." In my judgment the real problem of conservation consists in being able to conserve our soil, making it

more productive instead of less so; increasing the yield instead of decreasing it.

During the past 30 years Europe has increased her acreage yield of wheat, rye, oats, barley, and potatoes 75 per cent, while we have increased ours 8 per cent.

Their necessities has compelled them to progress. Our abundant resources seem to have made us careless.

Mr. Speaker, I have not the time to elaborate upon this phase of the subject, but I hope that this bill will soon be enacted into law, and I am sure if it is no man in this Hall will ever regret having voted for it. [Applause.]

Mr. BEALL of Texas. It will keep cooperation in the Agricultural Department.

Mr. PEPPER. It will not kill the work. It may modify the appropriation in some respects, but the work is identical, and will not stop as long as the American people are in favor of conserving and developing their national resources. [Applause.]

The SPEAKER pro tempore (Mr. RAKER). The time of the gentleman has expired.

Mr. HAUGEN. How much time have I?

The SPEAKER pro tempore. The gentleman from Iowa has 49 minutes, and the gentleman from South Carolina [Mr. LEVER] has 11 minutes.

Mr. HAUGEN. I yield five minutes to the gentleman from Oregon [Mr. LAFFERTY].

Mr. LAFFERTY. Mr. Speaker, only a little while ago, on a beautiful Indian summer day in early September, I took my leave of the rustling cornfields of Pike County, Mo., and went away to attend the law department of the State university.

At present I have the honor and the pleasure to represent in this House a district made up almost entirely of one of the great cities of the Nation. But my heart goes back to the farm, and my sympathies go out to the people everywhere who are now on the farm, no matter whether they were there then or have since located there.

I desire to congratulate the committee for having reported this bill to extend agricultural experiment-station work to the farmers. We of the cities will profit thereby in cheaper and better food products. My observation has convinced me that it is as much to the interest of the residents of a great city to have the farmer prosper as it is to the farmer himself.

When the Union Station was recently completed here in the Capital the literature of the world was searched for appropriate sentiments to be inscribed upon the face of that magnificent marble structure. One of the inscriptions is a tribute to agriculture and reads: "The farm—Best home of the family—Main source of national wealth—Foundation of civilized society—The natural providence." [Applause.]

I desire to see reforms that will make farm life more cheerful and pleasant, and which will bring the farm and the city closer together. To this end I have worked at this session for Federal aid to roads used as post roads and for an outright parcel express.

A parcel express would form a conduit between the farm in the country and the kitchen in the city. It would likewise bring to the farm very many of the advantages of city shops and stores. A parcel express would go further than any other single reform in reducing to the city dweller the present high cost of the vital necessities, such as butter, eggs, milk, vegetables, fruit, and other farm products. At present the express companies exact such exorbitant prices that it is next to impossible for the farmer to ship his products in small packages to the city. And when such shipments do go by express the charges are such that the consumer frequently pays as much or more to the express company than he does to the farmer. The parcel express is now in full, complete, and successful operation in Germany. There the Government postal authorities provide specially manufactured containers for shipping liquids, and these containers may be returned to the shipper at a reduced charge.

During the consideration of the Post Office appropriation bill by this House it was proposed to add an amendment providing for a parcel express. The Lewis-Goeke bill was deemed the best measure to accomplish that end. The Committee on Rules brought in a rule which was adopted making the Lewis-Goeke bill in order, otherwise such an amendment could have been objected to by any Member as being out of order for the reason that new legislation is not permissible on an appropriation bill. But even with the special rule making the Lewis-Goeke bill in order, when the time came to offer the bill as an amendment the leaders had decided to let the latter drop for this session. Accordingly, I offered the Lewis-Goeke bill myself as an amendment, but it was voted down.

Thereupon the bill went to the Senate about May 1, and was considered for several months by the Senate Committee on Post Offices and Post Roads, of which the senior Senator from Oregon [Mr. BOURNE] is chairman. That Senator succeeded in having an amendment adopted in the Senate known as the Bourne parcel-post amendment. Meantime our Democratic friends had met in convention at Baltimore and declared in their platform for a parcel post, so that when the bill came back to the House the Democrats could not with very good grace refuse to concur in the Bourne amendment. Accordingly the Bourne parcel-post amendment was agreed to and became a law.

While I should have liked very much to have seen an outright parcel-express provision adopted, with a weight limit of 125 pounds, instead of a parcel post with a weight limit of 11 pounds, still I regard the Bourne amendment as a long step in the right direction, and as it gives wide latitude to the Postmaster General in working out the plan, I hope to see the parcel post grow in a short time into a genuine parcel express. I shall work to that end, and shall favor additional legislation for that purpose.

While I believe I am the most radical Member of this House upon subjects of legislation to relieve the people from the burdens now imposed upon us by trusts and monopolies, still I feel at heart that I am as conservative as any Member ought to be.

No gentleman upon this floor has any greater regard for established rules of law than myself.

Of the patriotism that is instilled into the bosom of every American youth I received my full share.

By my training I have learned to revere the rules of justice which for centuries have vouchsafed to our people the right to be free, the right to acquire property, and the right to hold and enjoy property when once acquired.

No vote of mine, either as a citizen at the polls or as a public officer in legislative halls, will ever be cast in such a way as to trench upon those rights.

But Sir William Blackstone recites that the object of the law is to protect the weak against the aggressions of the strong, and to my way of thinking the laws of the United States to control monopolies are at least a half century behind the times.

To enable our national laws to overtake conditions full and sweeping reforms are necessary. Naturally enough most of those who have profited by the absence of suitable laws are opposed to these reforms. However, we find a man of that class here and there who is farsighted enough to see that injustice persisted in can only result in disaster, and who is therefore aiding the present movement for laws to set matters right.

Such a man, in my opinion, is George W. Perkins.

In my speech in this House of August 21, 1911, I made this statement:

If those who now enjoy the profits from large blocks of industrial and public-service corporation stocks want their children and their grandchildren to enjoy that same opportunity they will see the wisdom and the necessity of placing all industrial and public-service corporations upon a basis that is fair to the public. Otherwise Government ownership will come as surely as one day follows another. For that reason I stated in my campaign speeches that those who advocated Government control, as I do, were in reality the best friends of the owners of such stocks, and I am glad to note that in the past few weeks several of the greatest captains of industry in the United States have come to see the matter just as I do.

On August 17 of this year, in a speech on Boston Common, Col. Roosevelt was questioned by a man in the crowd who called out, "How about Perkins?"

"I am delighted to tell you about Mr. Perkins," the Colonel replied.

"Mr. Perkins is a rich man," he said. "He came into this movement not at my request, but of his own initiative. I felt just the same curiosity that a man in the crowd who asked me about him felt. I said to him, 'Mr. Perkins, why are you supporting me?' Mr. Perkins flushed and said he did not know but that he ought to be offended; but I told him he should not be, and that I was both surprised and pleased to have his support."

"The prime reason why I am with you," he told me, "is because I have children. I have come to the conclusion that this country won't be a good place for my children unless we have substantial justice; unless the relations between capital and labor are on a better basis. I wish to support any movement that will bring that about."

Now, I do not know just how much good I have done in the progressive cause, but I do know that I introduced in this House on April 29, 1911, a bill to enlarge the powers of the Interstate Commerce Commission, giving to that body authority to fix rates based upon physical valuations, and also the power to fix maximum prices in the interstate sale of any commodity when found

to be controlled by an absolute monopoly. And that was the first bill ever introduced in the House that went that far.

I stand for the progressive program, and hope that after the people are heard from at the coming election a majority of the Members of the House and Senate will feel the same way about it. [Applause.]

The present value of the wealth of the United States is one hundred and twenty-five billions of dollars. Fifty men own 40 per cent of this wealth. Two hundred thousand men own 70 per cent of our total wealth, leaving only 30 per cent for the remaining nearly ninety millions of people.

The 20 directors of the United States Steel Corporation are also directors in various other corporations. The total corporations represented by those 20 men own nearly one-fourth of the total wealth of the United States.

It is little wonder, when we consider that the commercial conditions of the country are in such shape that all the profits are drifting into the tills of a few men, that the average family is poor and is maintaining a more or less struggling existence.

Two-thirds of the families of this country have an income of less than \$900 a year. Those two-thirds of our population must rigidly economize in order to exist. Those two-thirds of our population could control elections and get fair laws put upon the statute books if they would but determine to do so. Nearly one-fourth of the families of this country have an income of less than \$400 per year. These are census figures. Can any mere party name longer control the ballots of thinking people in the face of these facts? [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield 10 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Speaker, I support this bill because it seeks to bring home our national educational forces to communities. Agricultural education, so beneficently and auspiciously started under the Morrill Act of 50 years ago, seeks in this bill to achieve the rich fruition of its early sponsors.

Agricultural education stood a long time in splendid isolation, receiving the contempt of the learned and the prejudiced opposition of the unlearned. That was the day when, if a boy started to college—a girl seldom did—the community inquiry was "would he be a pedagogue, or would he pettifog, was it to be preaching or practicing, pills or prayers." [Laughter.] The proposed book farmer brought forth the humorous wink, the doubting head shake, and the pitying dismissal as of a "sad case."

I remember when I finished my course at Ames, Iowa, and carried home my diploma, signed by its then president, Seaman A. Knapp, so graciously referred to in the report filed with this bill and so frequently named in this debate, I was asked many questions. I recall one, "Did Knapp teach you to rock the cradle or swing it?" Well, whatever I was taught, I have rocked the cradle since, but have never swung one. To be perfectly frank with you gentlemen, one of the reasons why I went to the agricultural college, instead of to the State University, was because I could have a job such as milking cows night and morning at 10 cents an hour. This had the laudable purpose of enabling me to pay my board. Now, when I petition some lusty youth to work for twice that and his board on my farm and dairy, I see the inspiration of a modern Virgil for a twentieth century volume of *Bucolics*.

Let me tell you, brother of the Southland, whose love and veneration for Dr. Knapp prompt eulogies on every fitting occasion, and to whom through southern gold alone there is to be erected here in Washington a monument to preserve his memory and commemorate his deeds, Dr. Knapp, at Ames, as dean of agriculture, vice president, and president, had a stormy career. Do you know the serious fault urged against him was, he was not practical? He was of those who had a vision, but the man was master of the vision and never became a visionary. Knapp, Wilson, Wallace, and Budd saw the vision of the great Northwest. They saw its fecund soil, bathed by the rain and the dews, tilled by the brain-directed hand of toil, made to yield a thousand times the gold which comes in response to weary pick and dangerous blast of the Rocky Mountain Range. [Applause.] Was Dr. Knapp practical? If intensely so and for himself he might have stayed in my native State, there to have profited by and enjoyed his opportunities. I love to think of Iowa, my native State, from which the ranking member of the Agricultural Committee comes, and is now generously granting me time for speech. There she rests, the central jewel in the diadem of the Union, rich in the wealth of her vales and plains, wrought out by the industry and genius of her sons and daughters; blessed with forestry, water power, and a measure of minerals. She was the first to snatch the laurel of literacy from the Commonwealth of Massachusetts. For two or three

decades she has been struggling with Nebraska for its retention. Her fame rests in the wise words and prudent deeds of her statesmen at either end of this Capitol, living or dead. [Applause.] For years it has been a greater honor to be an Iowa Member than it was anciently to be a Roman, and that was greater than to be a king. [Applause.] When a boy I heard an Iowa orator use the following extravagant language:

"The Lord made the heaven and the earth. At His mandate there was the separation of the land and the sea. He made man, and He caused there to be established states, principalities, kingdoms. Then having looked upon it and called it good, and profiting by His experience, made Iowa, adorned with beauty, filled with fatness, and naught lacking for the comfort and happiness of man."

[Applause.]

Let not my Iowa friends too soon congratulate themselves upon this unanswered encomium.

"Friends, the Lord seems to have profited further by His experience. He long since learned that for the happiness of His people He could do too much. His enterprise at Eden was not a complete success. He had done too much for the early children of His creation. We all know that a smooth sea never makes a skillful sailor. We know that success uninterrupted without serious obstacles to overcome never qualify men for the highest happiness. And the Creative Genius, recognizing and following these principles, looked upon a desert waste unadorned, unproductive, and uninviting, and He said, 'Here in this part of My dominion, apparently marred by My manifest neglect, I place a few of the choice children of My creation. And if in the years to come they shall through diligence and enterprise make these apparently barren plains yield their abundance, cause beauty to stand where unsightliness stood, raise cities where solitude once sat, establish thousands of homes where children and happiness are; if the wheels of industry shall roll unceasing; if great colleges and universities shall be established; if happiness shall be in humble cot and marble mansion; if pæans of praise and voices of prayer shall rise to My name and glory from humble chapel and vast cathedral, then will I visit My children, look upon the works of their creation, call it "good" and make My dwelling place with them forever.'"

[Applause.] It is finished. He has looked upon the work of the children of His creation in our fair State. He has blessed it. He has called it "good"; and He is making His home with us forever. Men call this place Nebraska. [Applause.]

But I have wandered far afield. I was talking of Dr. Knapp. This bill represents a concrete statement of a portion of his vision. He was said not to have been practical. I do not know how his assets scheduled when the executor took charge. It may have been that—permit a pardonable paraphrase—"for others he could save, for himself he could not save." I only know that his old neighbor, the head of the Department of Agriculture, favored his going to the Southland, not to deepen the people's prejudice for free trade, not to convert them to the doctrine of protection, but to aid them to see that which they had. He traveled where De Allyn had marched, where Ponce de Leon led his band, and where De Soto forced his army to the Father of Waters. Some of these sought fame, others youth, still others conquest; but all sought gold, and they found it not; but wherever Seaman A. Knapp placed his foot and industry followed, convertible gold came up and continues to come without aid of shovel or pick, drill or dynamite. More gold than would have satisfied the dreaming demands of pillaging Pizarro or conquering Cortes. [Applause.] I am pleased with the zeal of the author of this bill, whose industry is proverbial and which could not well escape the notice of a new minority Member with time on his hands. His work is doing much for his section, and this bill broadened, as I hope it ultimately will be, without taking anything from it, will register a great forward step. You will permit a pardonable pun if I say the author of this bill will be referred to as the "Lever of the South." [Applause.]

I would not be didactic, but, seeing the beginning of a great industrial transition in the southland, permit me to encourage it by saying:

"Arise, if the past detain you;
"Her sunshine and storm forget;
"No change so unworthy to bind you
"As those of a vain regret.

"Sad or bright, she is lifeless ever;
"Cast her phantom arms away,
"Nor stop, save to learn the lesson
"Of a nobler strife to-day."

[Applause.]

While I favor this bill and all of it, I hope it will be completed when in conference between the House and the Senate by the

additional provisions embodied in the Page-Wilson vocational bill. Then we will have the greatest scheme of education ever evolved by the educational forces of America. A fulfillment of the plan taken up and advocated by its statesmen and written into the law by the Representatives of the people and the States.

The new learning, then called the novum organum of early England, was the work of one man, and he a high officer of the Government, an aristocrat, Lord Bacon. This system of education will be the crystallization of the most advanced and matured thought among all the educational, industrial, and professional forces of America.

The bill before us will enable the farmers to produce more cheaply, at the same time with greater profits, food for the entire people. The Page-Wilson bill will, in addition, be a similar service in the trades and industries. It will further add the science and practice of home making. The present bill will extend farm demonstration, found so effective in the South, to all the States of the Union. The Page-Wilson bill will take up the work of State colleges of agriculture and mechanic arts, carrying it to the mass of the people in these industries, as was intended by the authors of the land-grant act of 1862. The present bill will enable the bright farmers to advise and direct their neighbors. The Page-Wilson bill will carry the new education, the new inspiration, the modern science and technique to the youth of both farm and town. The general purpose of the Page-Wilson bill is to place the college of agriculture and mechanic arts at the head of a unified system of education relating to agriculture, the trades and industries, and home economics, extending through practically all the schools of the State, including bureaus of demonstration and extension work in each county. Further, while the present bill will set to work practical men as teachers of less practical men, the Page-Wilson bill will direct State colleges and normal schools in providing sufficient well-equipped teachers in the three great departments of practical learning. In short, while the present bill will reach but one great branch of vocational education, the Page-Wilson bill will comprehensively grasp our entire school system and make it useful to all the people who toil.

The work sought to be done through the Page-Wilson bill is not entirely new, nor will it be sporadic. In small and independent ways it is being attempted and wrought out in many different communities through private enterprises or municipal or State plan and aid. To do a thing in America our leaders in thought have but to see the need. Our enterprising men and women seek out, experimentally, the way and then the public, duly advised, places behind it its sanction and support, and within the lapse of reasonable time it is accomplished. Formerly we were a Nation hampered by overproduction, but that period is passed. Consumption, fast speeding on its way, is overtaking production, and our economists of all schools and parties agree that if America would feed itself its depleted soil must be restored. Its swamps and wastes must be reclaimed and the efficiency of its producers enhanced. If America would construct for times of peace and war the things which America needs, the strong hand must be taught to move obedient to a clear and active well-trained brain. So that our youths who will mingle our substances, shape our tools, and form our implements must bring about that mingling of hand and brain which comes only from proper training in the formative periods of life. [Applause.]

There have been in times past vast sums spent in schools to train men to fight, schools to prepare them for business, schools to fit them for teaching, preaching, thinking, and the alleviation of suffering and the saving of life; but for the establishment and care of that bit of heaven here on earth, the home, where women and children's time is mostly spent and more of the husband and father's time should be, has been left to guess and haphazard. It was allowed to be wrought out from the doubtful experiences of too often antagonistic mothers-in-law who would fain perpetuate their own peculiar system of disorder upon the family constituted by the son of one and the daughter of the other. [Applause.]

The young woman on the farm, coming from the sources of the foodstuffs and textile materials, has a better opportunity in our colleges and public schools, where domestic science shall be taught, to develop into intelligent educational conductors or superintendents of homes than are those reared in city life or factory shadow. As such, in the years to come, there will be a demand at an increased scale of salary. All reputable labor is honorable, and conduct of a home as wife or employee would be more desirable than toiling in factory, wearying at bargain counters, patiently withstanding, without rebuke, the sneers of haggling customers, or even enduring the strains incident to the teacher's life. And where the best women are, there men are usually found to linger, and many arrange to stay for life.

With the poultry and dairy, the two best money-making departments of the farm, women are scoring financial success.

As time goes on woman's activities in other farm departments will, with our improved facilities, take the lead and reap the benefits of farming's financial opportunities. Parlors and drawing-rooms are negligible apartments. Comfort and happiness lie in the sanitary kitchen, orderly dining room, and well-ventilated bedchamber. These three can always be had in the country. They constitute the best balm for family friction and the most potent antidote for divorce. [Applause.]

There may be inspiration in tariff changes, in battleship construction, in transportation enterprise, in canal building, and many other activities of our Government, but I know of none entitles to more consideration than the Government seeking to aid the upbuilding of intelligent, well-ordered, sanitary, and happy homes, where the children are to be born who will appreciate and defend the nation which took an interest in them and theirs. [Applause.]

I recently attended the commencement exercises of a large country school in Maryland, 18 miles north of Baltimore. The young graduate of one of our State colleges of agriculture was graduating his first class in agriculture and home economics. I saw the practical demonstrations on and by the platform of these young men and women. There were fruit demonstrations, dairy tests, chemical experiments. There were the products of the manual training of the different classes which showed clear conception and creditable execution. Perhaps more interesting than all upon the platform, the young ladies tested the purity of the various food substances, measured the quantities to be used, prepared inviting and palatable foods within the view of thousands there assembled.

I saw there in miniature, probable results of vocational learning, aided by this great Government, carried on by the intelligent educational forces of the country in every community of the land, and I thought that with these, no department of our labor could or would be repulsive, but that it all would and could be made attractive, and when labor is attractive, the products of labor will be valuable, wholesome, and beautiful. [Applause.]

A thought of this school's work should not be overlooked, because it seemed to connect the homes and the farms in such a way as to give it not only desirability but durability. I learned that each of 16 boys had been supplied with four varieties of corn to plant one-fourth of an acre in all; and I further learned that in every case the boy had beaten his father in bushels of corn per acre raised in the same field. The boys were growing potatoes to obtain new varieties, and the fathers were vying with them in the enterprise. The fathers were also aiding the teacher in experiments to determine what were the best fertilizers for the soils in that immediate community. More than this, I learned that the teacher of home making was cooperating with the mothers of the community.

These mothers came to school for classes and domestic science on Saturday of each week. This led me to see the need of a more comprehensive legislation than that embodied in the present bill. I saw that they needed for the great enterprise more teachers for agricultural industrial training and home making. Upon study of the Page-Wilson bill—which I trust will be called the Lever-Page-Wilson bill—I found ample provision in the articulation of all the public school systems, including agricultural, normal, high, and country schools, provided for in this excellent Page-Wilson measure. I shall not take the time nor space to go into detail of this favored measure, but let me say this: That it does not shift the burden nor does it grant too great authority to the General Government. It seeks merely to cooperate in effort and equally contribute to the necessary expense. Nor does this system propose to make over or abolish the best lines of intellectual training now followed. They are not to be modified except as the best educational thought of our country unitedly sees fit to modify them.

It is a matter of congratulation that the school forces of our country, the agricultural forces, and the labor forces are practically united upon this measure, and some day it will be a proud fact, to be recalled by every Member of this body, that he assisted, in whatever capacity, to crystallize into law the proposed measure.

We are all disappointed in that our census figures show a strong current of our young life moving from the farm to the cities. Philosophers may think, economists may reason, and politicians debate, but one of the large reasons for the high cost of living is this selfsame drift. Upon the ocean currents move that mighty swelling force as if they would submerge the nearing continent, but neighboring and countering currents in due time set in, and the great balance is reestablished and maintained. So should our currents moving from farm to city, from city to village, and from village to farm not be a vast

movement, but a nice balancing of currents, which will show the intelligent choice, based upon comfort and opportunity and all callings to become respectable, honorable, and desirable.

I have left entirely the discussion of the trade schools to Members from the large cities. Of them I am not informed. I think, in a measure, I do know the farm and home, and whatever can be done to better them will better the generations to come and strengthen our Nation. This must be done if we would retain our leadership in the arts and industries. This must be done if the American race is ultimately to be built up as the distinctive leading race, to see the way, to lead the way, and to hold our rights for the enlightenment and betterment of all mankind. [Applause.]

Mr. HAUGEN. Mr. Speaker, I now yield 20 minutes to the gentleman from Minnesota [Mr. DAVIS], and the balance of my time I yield to the gentleman from South Carolina [Mr. LEVER].

Mr. DAVIS of Minnesota. Mr. Speaker, I was in hopes that when the question of industrial education arose in the Congress that ample time might be given to all those who desired to express their convictions fully upon the subject. But it is quite apparent that at this late stage of the session and at this hour it will be impossible to discuss all of the subjects involved in industrial education.

A remark was made a moment ago touching the subject of the law and the learned professions, and especially concerning the lawyer. That recalls to my mind that quite frequently I have heard it said that if there was a smart boy in the family, we would make a lawyer of him; the next in intelligence perhaps should become a physician, and so on down through the learned professions; and, finally, if we had a boy or a girl of little intelligence, we would make a farmer of the boy and a cook of the girl.

Now, Mr. Speaker, from my investigation of the subject of scientific agriculture, I wish to be recorded in this presence and upon the records of this House as saying that more intelligence and more scientific research and knowledge is necessary, in making a perfect farmer, thoroughly versed in the complete science of agriculture, than it is a lawyer, or any of the learned professions. A learned and skillful lawyer, if unscrupulously inclined, may, by dextrous presentation of judicial pronouncements, apparently apt, and by failure through ignorance or otherwise withhold or refrain from presentation, and by deceit and sophistry, obtain from a court or jury an erroneous, unjust, and illegal decision. But when nature and nature's laws pertaining to mother earth is the subject for solution there is but one key that can unlock the treasure vault that lies hidden in the soil, and that key is "know how"—not "guesswork." No sophistry, deception, or special pleading can deceive nature, and yet the farmer, without skill or training, without scientific knowledge of the subject, is expected to and is forced to grapple with it unaided, and without being given even rudimentary technical information. [Applause.]

Mr. Speaker, the perpetuity of this Government largely depends upon the proper education of our people. They must be intelligent, temperate, industrious, skillful, and constantly employed, if prosperity and happiness are to be their lot. These qualities can only come through right kind of educational and industrial training.

To-day there is a very strong demand for the education and training of the entire individual mentally and physically. The demand for culture and scholarship in the broadest meaning of the terms is just as great as it ever was. But there is a greater demand now than ever before for the education and training that will fit the boy and girl for the practical affairs of life, be their residence either in the city or country.

It is apparent that the problem of education is industrial as well as academic. It must exalt the dignity of labor and teach habits of industry. Education heretofore, I am inclined to believe, has been rather too academic; that is, it has held too closely to the textbook and shut the door to nature and life. Our greatest educators see this problem and are trying to solve it. It is not proposed to do less headwork, but it is proposed to do more skillful handwork to supplement the head. By making this handwork more skillful and scientific tends to make it more interesting and alluring. To-day, Mr. Speaker, vocational education, either upon the farm or in the workshop, has become a vital problem to solve if we expect to compete industrially with the civilized nations of the world. Germany, France, England, and many others far outstrip us in this regard at the present time. But to-day there is a new awakening, and our educators, legislators, farmers, professional and leading business men are of one mind in a desire that the evolution of our school system shall be directed into lines which shall carry to all the people at least a portion of our accumulated technical knowledge, and thus add greater efficiency to our

workers. Our population to-day reaches 90,000,000, and of this number at least 33,000,000 are engaged in what is known as the gainful occupations. Of this latter number at least 30,000,000 are interested in agriculture and mechanic arts and fully 25,000,000 others are interested in home economics, and I maintain that education, vocational and practical, along lines which will teach this army of our producers more skillfully to perform the occupation which they must follow is the greatest problem which confronts us as a nation to-day, and any legislation designed for such purposes and which will accomplish this result will be doing simple justice to the workers and home makers of our country.

Heretofore considerable legislation has been enacted along this line, and as a result thereof material results have been accomplished, and to-day other bills are proposed and are now pending, awaiting the action of this Congress.

Mr. Speaker, in view of the magnitude of this subject and with the prospect of speedy action upon some of the measures now pending, it might not be amiss to briefly trace the history of some of the present laws now upon the statute book and the accomplishments thus far obtained thereunder.

In 1862 the original Morrill Act was passed and is still in force. This law gave to each State 30,000 acres of public land for each Senator and Representative in Congress, to be expended in—

The endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical study, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislature of the States may respectfully prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

The income from this amounts to about \$16,000 annually to each State on the average, varying greatly in the different States. The income from this land amounted for the year 1911 to \$797,628.

The act which is known as the second Morrill Act, passed in 1890, gives to each State maintaining one of these colleges an additional sum of \$25,000 a year for the following purpose:

To be applied only to instruction in agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural, and economic sciences, with special reference to their applications in the industries of life and to the facilities for instruction.

Again in the year 1907 another act of Congress was passed known as the Nelson amendment, which adds a like amount annually to each State maintaining one of these colleges, to be expended for the following purposes:

The expenditure of said money shall be governed in all respects by the provisions of said act of Congress approved July 2, 1862 (first Morrill Act), and the said act of Congress approved August 30, 1890: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and mechanic arts.

Thus giving a total of about \$66,000 annually to each State on an average.

At the present time there are in existence and in successful operation in the various States 67 agricultural and mechanic arts colleges initiated and maintained under and by virtue of the original Morrill Act of 1862 and the various acts supplemental thereto.

The total number of students enrolled in these agricultural and mechanical colleges in 1911 was 45,871, only a part of whom study agriculture and the mechanic arts. In correspondence and extension courses there are 169,458; nearly all in agriculture and home economics.

The total appropriation from the Federal Government to the several States under the second Morrill Act of 1890 to date amounts to \$23,752,000, while those under the Nelson amendment of 1907 amount to date to \$2,490,000, making a grand total for these two direct appropriations of \$26,242,000. This, together with the income from the proceeds of the land-grant act of 1862, aggregates nearly \$40,000,000. Of this sum at least thirty-five millions have been expended in the interest of educating that 2 per cent of our school-going population who attend colleges. A few millions have been expended in State agricultural experiment stations and for college extension work in educating the adult farmers.

Not 5 per cent has been used in schools of lower grade in educating boys for the trades and industries and to return them to the management of the home farm, and practically nothing to train men already in the trade, for their occupation.

Figures concerning the total amount appropriated by the various States for the support of these land-grant colleges are not available, but the amounts appropriated for the year ending June 30, 1910, were \$11,041,000. Owing to the fact that these colleges and universities have many courses other than agricultural and mechanic arts, only a part of these sums

have been used in the teaching of agricultural, mechanic arts, and home economics.

These various Federal appropriations have had a very large effect in building up our State colleges and universities. They are beginning to have a tremendous effect on agriculture and home economics, but have done less directly for educating the trades worker.

Their engineering departments have dealt almost wholly with producing engineer graduates of the higher or collegiate courses.

Mr. Speaker, in 1887 the Congress passed what is known as the Hatch Act, providing for establishing a State agricultural experiment station in each State. Thus Congress took the lead in establishing at each State college of agriculture an institution of research. Under this act each State receives from the Federal Treasury \$15,000 annually, to be expended at such stations in—

conducting original researches and verifying experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies of the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under the varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States and Territories.

Supplemental to this Hatch Act of 1887, the Congress in 1906 passed what is known as the Adams Act, under which an additional sum of \$15,000 annually is given to each State for the following purpose:

To be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying condition and need of the respective States or Territories.

Thus making an annual appropriation of \$30,000 for this research and experimental work. Up to date these experiment stations have received from the Federal Treasury \$21,600,000; the average State thus receiving annually \$96,000 for its agricultural college and its experiment station, making for the 48 States an annual appropriation of \$4,608,000.

Mr. Speaker, I have thus far called attention to the various acts of Congress authorizing, initiating, and establishing our present system of industrial education, as aided from the Federal Treasury, showing the nature of the work done, amounts appropriated therefor, and those particularly benefited thereby. It must be apparent that only a small portion of our population have received this direct benefit and that a vast amount of accumulated technical knowledge is stored in the minds of the few. The captains have virtually received it all, while the vast army of our industrial workers and the actual producers of our wealth are left to toil ignorantly and unaided by scientific training. This vast army of workers comprises nearly 93 per cent of our entire population. They work at a great disadvantage.

Mr. Speaker, the latest statistics show the school population in the United States between the ages of 5 and 18 years is 24,240,000, and the number of pupils and students of all grades in both public and private schools and colleges is as follows: Elementary, 17,960,000; secondary, 1,035,000; higher, including all colleges and normal schools, 331,400. Grand total, 19,326,400.

To further illustrate the great need for the dissemination of this technical, scientific, and useful information to the masses it is but necessary to revert to other statistical facts. At present our population is approximately 90,000,000 people. Counting 5 persons to the family, there are 18,000,000 families. Counting one breadwinner to the family, there are 18,000,000 breadwinners. But the most casual observation will convince anyone that two out of every five, rather than one, must, and do, toil for a living, making 32,000,000 breadwinners. There are in this country about 112,000 ministers of the gospel, 115,000 lawyers, 132,000 doctors, and about 500,000 teachers; fewer than 1,000,000 engaged in the so-called learned professions. Let us say that there are about 1,000,000 merchants, superintendents, and managers of the vast business enterprises—men and women who do the headwork in the country's business.

It is apparent from this that of the 36,000,000 breadwinners at least 33,000,000 of them must work with their hands. It is therefore quite apparent that our problem of education is not only academic but largely and, as I contend, chiefly industrial as well. Can there be any doubt of the great importance in successfully solving a problem which has to do with the moral, social, and industrial uplifting of the vast majority of our people, in whom and upon whom rests the material work of in-

creasing the prosperity and happiness of our beloved country? As a Congress, representing as we do a constituency unequaled, what are we now doing along legislative lines to improve conditions? Are we moving at all? And, if moving, are not our movements too slow and upon too narrow a plane and too parsimonious? More recently various attempts have been made by the introduction of bills in the Congress to extend our system of industrial education more directly to the masses. Briefly, to enumerate, will say that in 1906 Congressman Livingston, of Georgia, introduced a bill to appropriate \$10,000 annually for an agricultural high school in each rural congressional district in the United States, and Congressman ADAMSON, of Georgia, also introduced a bill seeking to appropriate \$2,500 for a branch experiment station at each of such agricultural high schools. I am informed that these measures were introduced at the suggestion of Gov. J. M. Terrell, of Georgia, who was instrumental in organizing 11 agricultural high schools in the respective congressional districts of Georgia under a State law passed in July, 1906. These bills were never acted upon. These suggestive bills of Representatives Livingston and ADAMSON were the nucleus of a bill which I introduced in the Congress in January, 1907, which was quite generally known and approved throughout the United States as the Davis bill, and numbered H. R. 24575 and entitled:

A bill to provide an annual appropriation for industrial education in agricultural high schools and in city high schools and for branch agricultural experiment stations and regulate the expenditures thereof.

This bill I have reintroduced in each succeeding Congress, including the present, and it is now known as H. R. 6333 and entitled:

A bill to cooperate with the State in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in preparing teachers for those vocational subjects in State normal schools, and to appropriate money therefor and regulate its expenditure.

This bill in its present amended form, and after much consultation with nearly all of the leading educators of the country, has received the indorsement and approval of most of the educators and institutions of learning, including hundreds of others, such as boards of trade, transportation companies; National Grange, Patrons of Husbandry; agricultural organizations in various States, commissioners of agriculture, commercial clubs, manufacturers and business men's associations, the National Society for the Promotion of Industrial Education, all normal-school associations, and hundreds of others, in all business and industrial lines.

Mr. Speaker, in 1910 the late lamented Senator Dolliver, of Iowa, introduced this bill in the Senate, and the Committee on Agriculture, of whom he was then chairman, after an extended hearing thereon, reported the bill favorably to the Senate, and, no doubt, were it not for his untimely death the same would now be a monument to his name upon the statute books of the Nation.

During the present session of Congress Senator PAGE, shortly after the death of Senator Dolliver, became sponsor for that measure and reintroduced it in the Senate. Elaborate hearings have been had thereon, and it is now before the Senate for passage, and I trust will be favorably considered and passed. The Page bill, while embodying the main features of the Davis-Dolliver bill, is much more elaborate and extensive, calling for far greater appropriations, yet, in my mind, wholly warranted. Every dollar invested for the education of our people along this line, and especially for the conservation and uplift of the youth of this Nation, is not wasted, but, on the contrary, the benefits to be derived therefrom will be of untold value.

Mr. Speaker, I have now come to the bill under consideration, introduced by the gentleman from South Carolina [Mr. LEVER], it being a bill—

To establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto.

This bill seeks to aid in diffusing among the masses of people of the United States some of the useful and practical information which has accumulated by and through the work and teachings of our agricultural colleges and experiment stations. The principal object of this bill is to teach the farmer by actual demonstration the scientific methods which are taught theoretically in these great institutions. Of the beneficial results which will be obtained by the enactment of this bill into law there can be no doubt, and I commend it in all ways and trust that Congress will unanimously approve it, and that the insignificant expenditure from the Federal Treasury will not deter in the least a favorable vote for its passage. I apprehend that, if objection there be, it can only arise from the fact that the bill is too limited in its scope; that it should be enlarged so as to include scientific education to youth of our country along

all industrial lines—agricultural, mechanic arts, and home economics—as well as actual demonstration to the older upon the farm.

But, Mr. Chairman, if we can not get all that is desired, that is no reason why we should not gladly accept a part. I shall not attempt to add to the already luminous speech of the gentleman from South Carolina concerning his bill, which he delivered a few days ago on the floor of this House. It is replete with knowledge, aptly put, and contains statistics irrefutable and of great value.

Mr. Chairman, thus far I have dealt largely with the legislative structural portion of our industrial educational problem, and perhaps somewhat crudely. Now, if the House will bear with me, I should now like to devote a little time in giving speech to some of the ideas that have crowded on me for several years during my investigation of this subject. I would like to give some of the reasons why I think it is imperative upon us to grapple at once with this all-important subject of vocational education.

Mr. Chairman, an education which educates away from the soil is wrong both in tendency and results. Agriculture is fundamental and basic, and in the final analysis we revert to the soil as the source of our wealth, prosperity, and happiness as a people. Our higher institutions of learning reach only 1 or 2 per cent of the population. The assumption is that society should provide technical education for certain professional classes, but that primary and general education is all that those who till the soil, work in the mechanical industries, and keep the homes in our city and country are entitled to.

My correspondence and personal investigation and conferences in reference to technical secondary school education along industrial lines have revealed to me many facts concerning our industrial educational facilities. It clearly appears that Congress inaugurated a revolution in our education by the passage of the Morrill land-grant act of 1862. I am now ready to question whether mere literary education is not radically narrow for the great body of our boys and girls, nearly all of whom must work in the productive and home-making vocation. Of some things my investigations have given me decided opinions. They are past the stage of inquiry. I know that agricultural research as developed in the United States Department of Agriculture and in the State experiment stations is a public enterprise of vast good to our agricultural industries and to our home making. Agricultural schools have also become a great power for good. The agricultural collegiate course in our State colleges and universities are coming into their own, and their graduates now form the nucleus of an army which is to transform American country life so as to give us a higher rural civilization. These graduates have already begun the work of developing a country-life education into a system in which are articulated agricultural collegiate courses, agricultural high-school courses, and consolidated farm school courses, supplemented by various forms of college extension, such as traveling schools, farmers' institutes, and demonstration farms, and by a literature which will make available to all farmers the results of agricultural research.

Mr. Speaker, judged by the conditions existing at the time of the passage of the land-grant act 50 years ago, the progress made in industrial education is flattering, but much more should be done to accomplish desired results. There is a broad chasm to be spanned educationally from the common school to the college, at least so far as vocational education is concerned. The bridging of this chasm seems to me to be the all-important subject for consideration now. The secondary school, sometimes called the "people's college," is the greatest factor in accomplishing this result.

The essential features of the Davis-Dolliver and Page bills provide for about 300 rural district schools of secondary grade, in which scientific agriculture and home economics are to be taught, in addition to the ordinary branches usually taught in secondary schools. The various States are to provide the farm and buildings upon which such schools are located and provide and maintain all equipment required for teaching the ordinary courses of a school of secondary grade, and the Federal appropriation shall be used only for instruction for distinctive studies in agriculture and home economics.

These bills further provide an appropriation for distinctive instruction in the trades and industries, home economics, and agriculture in separate secondary schools organized for that purpose.

We may roughly estimate that we have about 5,000,000 pupils preparing for country life and about 10,000,000 preparing for city life, and that 93 per cent of these pupils at present receive only an ordinary primary-school education, wholly devoid of any scientific or practical training along the line of the occupations

which they are expected to follow. Most of the teachers in our primary-grade schools are graduates from our present secondary schools, and without vocational education, hence are unfitted to teach along these lines. The graduates from the secondary schools contemplated by this system of education provided for in these various bills would be competent instructors, therefore are much needed, and until they are obtained little progress will be made in the proper education of our industrial army of workers and home makers.

The specialization of industries and the close division of labor have made a new world, into which the graduates of our schools are precipitated. The old education leads the pupil to believe that he is prepared for life. His preparation is only general. The new education must prepare the pupil for some specific line of life. It must be broad and practical. It must combine the theme written in the book, the theme written in the soil and in the machinery, with the inspiration for the best living which modern conditions can provide.

A properly equipped Army and Navy are essential to the stability and peace for our industries; but should we not also see the importance of expenditures which create individual efficiency and wealth? Should we not make it possible for every boy and girl to secure at least the rudiments of technical industrial education? Surely our financial ability would warrant this.

The three great wastes in the economies are land, material, and labor, and by far the greatest waste is from inefficient labor. The nation that uses its labor, lands, and products to the best advantage will take the lead in civilization and in power. Again, our most important racial and national institution—the home—can be developed along with our other institution only as we give to it the discoveries of science and build it up through education. It is not enough that America have homes averaging better than homes of other parts of the world; they should be very much better. When the homes of our rural population are made more attractive through the proper education of the dwellers therein, then, and only then, will the farm homes as places to develop splendid families be appreciated at their true American value.

The feverish desire to leave the land and go to the city, which is quite prevalent to-day, should be removed. Scientific agriculture, horticulture, and home economics will dignify rural employment and thus tend to produce more comfort, satisfaction, and contentment upon the farm.

Recurring again to these proposed secondary schools, it is noticeable that our State colleges have been the means of developing a limited, but very substantial, number of them. Minnesota in 1888 took the initiative and established one of these schools upon its State college grounds, and since then the States of Nebraska, North Dakota, South Dakota, Oklahoma, Maine, Alabama, Georgia, New York, Rhode Island, Washington, Wisconsin, Kansas, Tennessee, and a few others have established one or more of these schools, until the total at present is about 40.

There are about 3,000 agricultural counties in this country, and the Davis-Dolliver and Page bills contemplate establishing these secondary schools on an average of one in each district comprising not less than 5 nor more than 15 counties, making 300 schools in all. Should we be fortunate enough within the next few years to establish, equip, and maintain these 300 schools, very soon thereafter a sufficient number of teachers would be evolved therefrom to amply supply the quota required for instruction in vocational education in all of the rural primary schools of the country. Then and only then will we be in position to give to the rural youth of this country the practical education which they should obtain.

The paramount reason for broadening our education is that we may produce a higher and more efficient civilization. We want leaders who are more definitely trained as to their heads and hands; as to their power to be useful in productive industries, in home making, and in character building; we want the whole people to produce sufficient wealth that they can afford means for schools and time for going to schools. And we want the home, the school, and the great school of practical life organized to develop men according to the highest standard, each man and woman combining high efficiency in practical production, or in home making with the ability to be useful to their fellows in whatever may arise.

Those who are personally in contact with the education in such agricultural secondary schools as those at the University of Minnesota, Lincoln, Nebr., and in other States, and those who have followed the young men and women when they return from these schools to the farm community, are unanimous in their belief of their beneficiality. These young people are to be the Nation's best guaranty that our agriculture and our country home will be of that quality which our ever-improving

times make possible. We need no better evidence of the value of our city mechanic high schools than the fact that manufacturers are ever alert to secure those graduates who have been developed into efficient technical workers.

Listen to statements from some of our great educators. Kenyon L. Butterfield, president of Amherst Agriculture College, says:

There is great need of the kind of school provided for by the Davis bill. I have felt for many years that there was a "missing link" in our agricultural education. The agricultural colleges have done noble work, but they can never solve the problem of educating practical farmers without the help of the agricultural high school, and what may be said of agriculture may also be said of the other industries. I can not too strongly emphasize the need of a system of secondary school of agriculture.

George E. Fellows, president of the University of Maine, in speaking of these schools says:

It will take a century to otherwise accomplish throughout the country what may be thoroughly established in five years by means of the assistance proposed in the Davis bill.

Rufus W. Stimpson, president of Connecticut Agricultural College, says:

We need more strong secondary schools of industry in New England. A start has been made, but in forwarding this movement help should come from Congress as the Davis bill proposes. There is only one organized body competent to deal with the question of the rapid development of technical education for the workers in the industries throughout all the States, and that is Congress.

K. C. Davis, of the New York State College of Agriculture, speaking of the secondary schools, says:

The need for well-organized, well-equipped secondary schools of this order is reaching a climax which can not be ignored or postponed.

H. E. Deemer, chief justice of the Supreme Court of Iowa, in a somewhat lengthy letter written to the Hon. Charles F. Scott, chairman of the Committee on Agriculture, on April 29, 1908, discussing the subject of industrial education, uses this language:

We have no secondary school of agriculture or for industrial training. Intensive farming is our salvation agriculturally, and industrial efficiency is demanded in the commercial world. Neither of these is now being supplied to the boys who are to be our farmers or those who are to be the mechanics in the shops. The greatest gap we have in our educational system is due to the lack of such secondary schools as are proposed in the Davis bill. The only armies we need fear in the future are the industrial forces of our competitors.

Mr. Speaker, of the many hundreds of distinguished men who have fully indorsed this system of secondary education, I shall be content with mentioning two others. Mr. H. H. Seerley, president committee on agricultural education of teachers, National Educational Association, Iowa State Normal School, in a letter addressed to the chairman, House Committee on Agriculture, April 30, 1908, says:

The organization and development of systems of industrial education in the several States for the purpose of educating and training the masses of the pupils in secondary and elementary schools is the most important question of the present day. The prosperity and the success of these industrial classes are so important to the whole country that the Nation can not be indifferent to the demand for this sort of education.

During the year 1907, while Mr. Roosevelt was President, in addresses made at Lansing, Mich., he said:

Our school system has hitherto been well-nigh wholly lacking on the side of industrial training, of the training which fits a man for the shop and the farm. This is a most serious lack, for no one can look at the peoples of mankind without realizing that industrial training is one of the most potent factors in national development.

Again, at Keokuk, Iowa, he said:

We should strive in every way to aid in the education of the farmer for the farm, and we should shape our school system with this end in view; and so vitally important is this that, in my opinion, the Federal Government should cooperate with the State governments to secure a needed change and improvement in our schools. It is significant that both from Minnesota and Georgia there have come proposals in this direction in the appearance of bills introduced in the National Congress. Such agricultural high schools as those in Minnesota and Nebraska for farm boys and girls, such technical high schools as are to be found, for instance, in both St. Louis and Washington, have by their success shown that it is entirely feasible to carry in practical fashion the fundamentals of industrial training into the realms of our secondary schools. At present there is a gap between our primary schools in the country and the cities and the industrial college collegiate courses which must be closed; and, if necessary, the Nation must help the States to close it.

Too often our present schools tend to put altogether too great a premium upon mere literary education, and therefore train away from the farm and the shop. We should reverse this process.

Mr. Speaker, this new system of education which I contend for, and in which I think the Nation should assist the various States in establishing by cooperation, is neither radical nor revolutionary. It is the logical extension of the policy which the Government adopted when the act of 1862 was passed. In answer to the arguments of the opponents, that this legislation is a subject for State initiative, my observation has been that the effect of Federal aid has been, not to paralyze or weaken State or local activity and effort for industrial education, but to stimulate to greater exertion. It is safe to say that the passage of a

secondary-school bill of the kind which I have mentioned would inaugurate in all these States a movement for practical education which without Federal aid would be long in finding fulfillment. Again, to quote President Fellows, of the Maine University:

It will take a century to otherwise accomplish throughout the country what may be thoroughly established in five years by means of the assistance proposed in the Davis bill.

Mr. Speaker, the product of our old-time education is often precipitated into a world for which he has been but poorly prepared. We have fostered an education which cultivates tastes in our young people beyond their ability to satisfy, hence they are easily discouraged and discontented with their home surroundings, if living in the country, and flee to the city in the belief and hope of bettering their condition. Most pernicious miscalculation, for these hopes are oftentimes blasted.

The tendency of the old education was, and is, to separate the world of culture from the world of work—to separate the ornamental from the useful. It said in effect that one set of men should do the work and the other have the learning. It fostered the fallacy that there was no relation between the theme of the book and the work to be done. It separated men into two classes, in one class the professional man—the scholar—the man who lives by his wits, and in the other the toiler—the laborer. The new education makes no such separation. It has faith in the democracy of learning, and believes that honest toil, whether performed in field, factory, or home, when properly and intelligently done, is of equal dignity and worth with the work performed in the so-called higher profession, and has a more practical value to society. Labor takes on new dignity when performance of the task is inspired by intelligent effort of mind and soul. Teach the youth to be more proud of the things he can properly do than what he can say, and then contentment is assured. [Applause.]

The new education must prepare the pupil for some specific work. The great need of the country to-day is not more lawyers, more doctors, more professional men, but more skilled toilers, more trained farmers, and more home makers, who will dignify their several vocations by intelligent performance of duty.

The establishment of the land-grant colleges has resulted in the accumulation of a great body of scientific and technical knowledge in the industries that is now in the possession of a few, and the problem presented to-day is how to successfully impart this knowledge to the 5,000,000 boys and girls preparing for rural life and the 10,000,000 boys and girls preparing for city life.

As I said before, one of the most important services these secondary schools of agriculture will perform, will be the education of many young people from whom will be developed a class of teachers who can successfully direct our rural schools. Not only that, but these graduates will be an important factor in rendering country life more attractive. The experience of my own State of Minnesota, and of Nebraska, and other States which have successfully conducted these secondary schools shows that the majority of the graduates actually do go back to the farm. I believe the number in my State is about 70 per cent. Farming, with its maximum financial returns, will never be a realized fact in this country until the science of tilling the soil becomes the possession of the millions who till the soil. It is often said that anyone knows enough to be a farmer, but such is not the case. The science of agriculture in all its branches is as intricate as any other science. Through it alone can nature be induced to yield up its most bounteous treasure.

The correct, the equal and proper distribution of population as between city and country can only be brought about, or at least more easily be brought about, by making country life more attractive through a proper conception of the dignity of the science of agriculture and home making.

I believe, Mr. Speaker, in fact am thoroughly convinced, that our various States are ready and willing to cooperate with the Federal Government in the practical solution of the problem of providing scientific industrial education, and that every dollar invested by the Federal Government in this behalf will be multiplied manifold by the respective States. Such has been the result in the past, and doubt can not be entertained that the future will do likewise.

Statistics show that the Federal Government has charge of the easy and indirect methods of taxation and secures much more of the people's wealth for public expenditures than do all the States combined. Such being the case, how can Congress better aid the States than by thus returning some of the people's money to them, to be used in promoting and in better support-

ing the education of the Nation's workers, thus conserving the young men and women of our country, which are our greatest asset?

Finally, Mr. Speaker, in my judgment no institutions are better adapted to build up true American citizenship than our agricultural and mechanical colleges and secondary schools, where literary, ethical, scientific, industrial, and military training are blended into a strong, sensible, inspirational scheme of education. Congress did wisely in establishing them, and as this great Nation grows in power and wealth it should further recognize them and build them up. [Applause.]

NOTED EDUCATORS WHO INDORSE THE DAVIS INDUSTRIAL VOCATIONAL BILL.

Prof. Charles H. Morse, executive officer, Massachusetts, commission on industrial education.
 Prof. Thomas H. Hunt, dean of the school of agriculture of the Pennsylvania College.
 Hon. J. A. Wilkinson, commissioner of agriculture for Alabama.
 Prof. Fassett A. Cotton, State superintendent of public instruction, Indiana.
 Hon. William M. Liggett, dean of department of agriculture, St. Paul, Minn.
 Dr. George E. Myers, principal of the McKinley Manual Training School, Washington, D. C.
 Hon. William F. Hill, master of the State Grange of Pennsylvania.
 Prof. H. H. Seerley, president committee on agricultural education of teachers, National Education Association, Iowa State Normal School.
 Prof. Kenyon L. Butterfield, president Massachusetts Agricultural College.
 Dr. Rufus W. Stimson, president Connecticut Agricultural College.
 Prof. P. P. Claxton, president University of Tennessee.
 Prof. W. M. Alexander, president National Society for the Promotion of Industrial Education, West Lynn, Mass.
 Hon. H. E. Deemer, chief justice Supreme Court of Iowa.
 Prof. William Robertson, superintendent of Crookston School of Agriculture and Northwestern Experiment Farm.
 Prof. Arthur D. Dean, president Young Men's Christian Association of Massachusetts and Rhode Island, Boston, Mass.
 Hon. James J. Hill, former president of Great Northern Railway Co., St. Paul, Minn.
 Mason S. Stone, superintendent of education, Vermont.
 E. I. Sanderson, New Hampshire Agriculture College, New Hampshire.
 W. C. Palmer, Winona Agricultural Institute, Winona Lake, Ind.
 E. B. Norris, chairman executive committee, National Grange.
 P. H. Mell, president Clemson Agricultural College, South Carolina.
 R. A. Moore, University of Wisconsin.
 E. W. Lytle, Albany, N. Y., formerly president of National Educational Association.
 W. D. Gibbs, president New Hampshire College of Agriculture.
 H. C. Morrison, superintendent public instruction, New Hampshire.
 Albert B. Cummins, governor State of Iowa.
 John C. Cutler, governor State of Utah.
 David S. Simpson, judge district court, Minneapolis, Minn.
 J. L. Sheldon, governor State of Nebraska.
 E. F. Ladd, food commissioner, North Dakota.
 Peter J. Shields, judge superior court, California.
 F. B. Lenfield, director Montana Agricultural Experiment Station.
 W. M. Munson, West Virginia Experiment Station.
 Cyrus W. Northrop, president University of Minnesota.
 J. M. Terrell, ex-governor of Georgia.
 Fred M. Tisdell, president University of Wyoming.
 Charles Schuler, commissioner of agriculture and immigration, Louisiana.
 E. J. Watson, commissioner department of agriculture, etc., South Carolina.
 W. J. Beal, agricultural college, Michigan.
 Horace Edwards, president Rhode Island College of Agriculture and Mechanic Arts.
 E. A. Jones, State commissioner of common schools, Ohio.
 J. C. Hardy, president Mississippi Agricultural and Mechanical College.
 W. M. Holloway, superintendent of educational department, State of Florida.
 P. B. Barringer, president Virginia Polytechnic Institution.
 J. D. Eggleston, jr., superintendent public instruction, State of Virginia.
 President H. C. White, Georgia, chairman executive committee American Association of Agricultural Colleges and Experiment Stations.
 J. W. Olsen, St. Paul, Minn., State superintendent public instruction.
 E. W. Randall, dean department of agriculture, University of Minnesota.
 Dean C. F. Curtiss, Iowa State College.
 Prof. H. A. Morgan, Knoxville, Tenn., dean of agricultural college.
 Dr. A. N. Soule, Athens, Ga., president agricultural college.
 Dr. Tait Butler, Raleigh, N. C., superintendent farmers' institutes.
 Hon. F. A. Derthick, Mantua, Ohio, master State grange.
 O. B. Martin, Columbia, S. C., superintendent public instruction.
 John M. Stahl, Chicago, Ill., president Farmers' National Congress.
 Supt. George McKerrrow, superintendent farmers' institutes, Wisconsin.
 Dr. H. L. Russell, dean agricultural college, Madison, Wis.
 Dr. Wallace Buttrick, secretary general educational board, New York.
 Dr. Wycliffe Rose, Knoxville, Tenn., general agent Peabody Fund.
 Prof. L. G. Carpenter, Fort Collins, Colo.
 Dr. K. C. Davis, director New York School of Agriculture, Canton, N. Y.
 Judge James A. Beaver, Bellefonte, Pa., judge superior court of Pennsylvania.
 President J. H. Worst, Fargo, N. Dak., president North Dakota Agricultural College.
 President George E. Fellows, Orono, Me., president University of Maine.
 Dr. N. C. Schaeffer, Harrisburg, Pa., State superintendent of public instruction.
 E. C. Bishop, Lincoln, Nebr., State superintendent public instruction.
 Judge Peter J. Shields, Sacramento, Cal., judge supreme court.

ORGANIZATIONS INDORSING THE DAVIS BILL.

J. W. L. Corning, president Minnesota State Association of Builders' Exchange.

A. V. Williams, secretary Employers' Association of Minnesota.
National Grange, Patrons of Husbandry.
Allied agricultural organizations of Pennsylvania.
Barnard Club, Providence, R. I.
Commercial Club, Joplin, Mo.
Board of Trade, Newark, N. J.
Chamber of Commerce, Honolulu.
Commercial Club, Cedar Rapids, Iowa.
Commercial Club, Topeka, Kans.
Farmers' National Congress.
Southern States Association of Commissioners of Agriculture and other agricultural workers.
Merchant Tailors' National Protective Association of America.
Commercial Club, Duluth, Minn.
Minnesota State Association of Builders' Exchanges.
State Board of Agriculture, Rhode Island.
Commercial Club, Ardmore, Okla.
California State Grange.
Board of Trade, Camden, N. J.
Commercial Club, Dallas, Tex.
Chamber of Commerce, Erie, Pa.
Business Association, East Liverpool, Ohio.
Chamber of Commerce, Los Angeles, Cal.
Minnesota State Butter and Cheese Makers' Association.
Board of trustees, Georgia agricultural high schools.
Merchants' and Manufacturers' Association, Milwaukee, Wis.
Board of Trade, Little Rock, Ark.
Commercial Club, Lewiston, Idaho.
Merchants' Exchange and Board of Trade, Portland, Me.
Chamber of Commerce, Quincy, Ill.
Farmers' State Alliance, North Carolina.
Savannah Cotton Exchange.
Chamber of Commerce, Syracuse, N. Y.
Colorado State Teachers' Association.
Red Wing, Minn., Commercial Club.
Manufacturers' Bureau of Indiana.
Alabama Live Stock Association.
Minnesota State Dairymen's Association.
Eastern Manual Training Association.
National Agricultural Press League.
Minneapolis Chamber of Commerce.
Builders' Exchange, Faribault, Minn.
Board of Education, Erie, Pa.
State Teachers' Association of South Carolina.
Commercial Club, Faribault, Minn.
Alabama State Horticultural Society.
Vermont Schoolmasters' Club.
New York Cotton Exchange.
Minnesota Farmers' Club.
Builders' Exchange, St. Paul, Minn.
Rhode Island League for Rural Progress.
Minnesota Educational Association.
National Society for the Promotion of Industrial Education.

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

The SPEAKER pro tempore. Fifteen minutes. The gentleman from Iowa [Mr. HAUGEN] has consumed all of his time. That leaves 15 minutes remaining.

Mr. LEVER. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. McKELLAR].

Mr. McKELLAR. Mr. Speaker, the City Club of Memphis, Tenn., is an association of thinkers and doers. It is composed of the best men in our great city. It has for its object the building up, beautifying, and uplifting of our city and country. It takes the liveliest interest in all civic and governmental affairs. Since the recent floods on the Mississippi River it has devoted a great deal of time, study, and research to floods and levees. It has had learned lecturers before it, and some time ago it passed a resolution on the Newlands river regulation bill, which resolution, after maturer consideration, it has modified. I have before me a copy of the report of the committee on the subject of levees and the resolution modifying its former utterance on this subject, and the report is such a learned and able one that I think it should go into the RECORD so that the country can have the benefit. I therefore ask unanimous consent that this report and resolution may be printed in the RECORD as a part of my remarks.

Mr. C. C. HANSON,
President City Club of Memphis.

SIR: The committee on levees and reclamation respectfully reports as follows:

A resolution adopted by the club on May 18, 1912, directed that this committee publish and distribute the address made to the club by Mr. George H. Maxwell on that date, and ask other commercial bodies in Memphis to indorse the Newlands bill for river regulation. After a more thorough study of the Newlands bill than was possible by the members of the club before they voted on the resolution indorsing it, your committee is led to the conclusion that such unqualified indorsement of this bill by the club will at the outset greatly handicap or practically tie the hands of your committee in the performance of its duties.

The matters that are assigned to the attention of the levee and reclamation committee are necessarily of more vital importance to the prosperity of this city and the surrounding country, to which the City Club is committed, than are any one or several other factors. Further than this, the question of flood protection and reclamation is the most vital question to-day with which the entire lower Mississippi Valley has to deal. The alluvial lands on both sides of the Mississippi must be protected from overflow, or the valley will begin a movement of retrogression or at least cease to advance. The adoption of the Maxwell resolution and the unqualified indorsement of the Newlands bill is to say, "The levee system is a failure; we can not depend upon it, and are ready to grasp any vague hope that is held out to us of something better." It is to say to our Representatives in Congress,

"You do not know what you are doing in asking Government appropriations for levees specifically. Help Senator NEWLANDS to pass his bill, and we will be saved."

We ask the club not to handicap this committee and our Representatives in any such way. We recommend that the club, in the light of the careful analysis of the Newlands bill which we present below, revoke the Maxwell resolution and adopt as a substitute therefor the one which we herewith present.

The Newlands bill provides that a board of river regulation be created, to be composed of—

The Chief of Engineers, United States Army;
The Director of the United States Geological Survey;
The Chief of the Bureau of Plant Industry;
The Secretary of the Smithsonian Institution;
One civil engineer;
One sanitary engineer; and
One hydroelectric engineer.

This board shall cooperate with States, municipalities, counties, districts, corporations, persons, etc., in carrying out the purposes of the act, and pay more than half in such cooperation, to secure the highest development and utilization of the waterways and water resources of the United States.

The appropriation of \$50,000,000 per year is to be divided as follows:

For building irrigation systems to aid in the regulation of the flow of source streams or navigable rivers.....	\$10,000,000
For the Forest Service, for guarding against and fighting fires, two items.....	3,000,000
And.....	1,000,000
For the protection, enlargement, etc., of water supplies by reforestation.....	1,000,000
For the Smithsonian Institution for study and dissemination of knowledge.....	1,000,000
For the Bureau of Plant Industry, to maintain garden schools and instruction in irrigation.....	2,000,000
For the Geological Survey.....	3,000,000
For the acquisition of forest lands.....	5,000,000
For the Corps of Engineers, United States Army, for building and maintaining revetments, dikes, walls, levees, embankments, gates, wasteways, by-passes, flood-water canals, restraining dams, impounding basins, and bank-protection works for river regulation, and, as a means to that end, the building of works for reclamation, drainage, and flood protection, and for building reservoirs and artificial lakes and basins for the storage of flood waters to prevent and protect against floods and overflows, etc.....	24,000,000

You will note that \$10,000,000 go to irrigation, \$10,000,000 to forestry, and \$6,000,000 to surveys, the museum, and a garden school.

The operation of this bill is Nation wide. How much of the remaining \$24,000,000 will go to works which will tend to relieve us of overflows? If it all went to building impounding reservoirs it would take 25 years to have available the \$600,000,000 that it is estimated would be required to build enough reservoirs to relieve us from flood waters. If half of it should be expended in the entire Mississippi Valley, one-fourth for reservoirs and one-fourth for levees and revetment, we would possibly in 100 years have an effectual reservoir system if enough suitable sites can be found. Meanwhile, we would get the same sum annually for levees and revetment that the present appropriation carries just passed by the two Houses of Congress.

Since the operation of the Newlands bill appropriation terminates in 10 years, the reservoirs would be one-tenth built. It is probable that the irrigation and forest land interests, with \$200,000,000 expended, would be in better shape than this. But under provision of this bill it is contemplated that the Government will only pay one-half the cost of any work. If the \$600,000,000 is ever expended in building reservoirs, and if those with partnership interest must volunteer to pay \$300,000,000 of it, it is a safe prediction that three-fourths of the \$600,000,000 will never be spent.

Those reservoirs that might be built would doubtless be owned partly by water-power companies, who would always have the reservoirs as near full as they could keep them, reducing to a minimum their available capacity to retain flood waters.

The subject which we are most interested in at the present time is the protection from overflows of the valley lands. The circulars and papers distributed hold out the alluring idea that this protection is to be furnished by levees supplemented by a system of comprehensive storage reservoirs in the headwaters of the tributaries of the Mississippi River.

This question of storage of water for the double purpose of preventing floods and assisting navigation was pretty well thrashed out 14 years ago in the investigations carried out by the Senate Committee on Commerce in the year following the disastrous floods of 1897.

Active in the investigation in examining witnesses were NELSON, of Minnesota; Catchings, of Mississippi; Berry, of Arkansas; Maj. Harrod, of New Orleans. Several hundred pages of printed testimony on the subject, with maps, hydrographs, etc., may be found in Senate Report No. 1433, Fifty-fifth Congress, third session.

The principal contributors were Prof. Willis L. Moore, of the United States Weather Bureau; Mr. Ockerson, of St. Louis, for 20 years previously employed on the Mississippi River surveys and studies under the Mississippi River Commission (he is at present a member of that commission); Maj. Dabney, then, as now, chief engineer of the Yazoo-Mississippi (upper) Levee Board; Maj. William Starling; Mr. Pillsbury, of Minneapolis, of flour and lumber fame; and some United States engineers on the upper Mississippi River improvements.

To condense the testimony of these witnesses into short sentences, Mr. Pillsbury claimed that the five reservoirs above St. Paul had helped conditions by improving logging operations and river traffic; but did not attach much importance to the river traffic, as not more than 1 per cent of his flour traffic was water borne.

The engineer estimated that navigation was improved for a short period above Lake Pepin, but that the effect was wholly lost below that point. All available sites had been developed within reasonable cost.

Maj. Dabney estimated that to protect the lower central valley subject to overflow it would be necessary to submerge an area equal to the State of Wisconsin.

Prof. Moore testified that nothing happens west of Fort Smith nor north of Keokuk, Iowa, to affect materially the flood conditions of the Lower Mississippi on account of the extreme lightness of the precipitation. He told how the watersheds, where the damaging rains actually occur, had been literally ransacked for 30 years to locate any suitable place for the storage of flood waters. The only possible location he had to suggest was the upper portion of the St. Francis Basin.

Mr. Ockerson testified that to keep the discharge of the Mississippi River below 1,000,000 cubic feet per second at Cairo, Ill., there would have to be diverted in all of the large floods sufficient water to cover 6,000 square miles to a depth of 10 feet, or 11 cubic miles of water, and he also suggested the St. Francis Basin for this, if it were to be taken up, 175 miles north and south by an average of 30 miles east and west; but since this area slopes or falls 120 feet in the distance, cross divisions would be required to keep the water from all flowing out at the lower end of the basin. The spillways for passing the water down were estimated to need a width of 5 miles, by 5 feet deep, flowing at usual velocity.

Well did the committee close its paragraph on "Reservoirs" in its report thus: "The scheme is regarded by nearly all committees and other experts as wholly impracticable. In short, your committee can discover no just or adequate relief in reservoirs."

In the Pittsburgh plan of reservoir construction, 17 reservoirs proposed for early construction, to afford partial relief to their present conditions, are estimated to contain 59,481,400,000 cubic feet of water, and the estimated cost is \$21,672,100.

Now, 59,481,400,000 cubic feet is only 0.4 of 1 cubic mile, and to store 11 cubic miles would require approximately 27 times the capacity of those 17 reservoirs. Unless more favorable sites and cheaper storage capacity can be found, the Maxwell idea points toward an expenditure of about \$600,000,000.

Your committee believes that the lesson of the recent high water is that levees properly built according to the best engineering advice and practice are a success, and not a failure. Nearly all breaks occurred in levees that were practically overtopped. These levees had never been built to the adopted standard grade because of lack of money to complete them. Those levees that were built to standard grade and section did not break. Such levees required attention in some places because of sand boils, due to seepage through porous strata underneath.

The first necessity is to build the levee high enough and wide enough. Levee engineers and the highest authorities of the United States Weather Bureau agree that had there been no breaks the 1912 water would not have gone above 48 on the Memphis gauge, or 3 feet higher than it did go.

It is possible to have a greater volume of water to resist, but for any assumption that shall be made as to the highest water that we should provide for, a levee can be built so high and strong as to resist it with perfect success at much less cost than the same water can be provided for in any other way. You can build all levees 2 feet higher and correspondingly wider for within one-tenth the cost of building any other works that will reduce the flood stage 2 feet. If your assumption as to the volume of water to provide for is too small, the reservoirs or other works built to provide for it will fall much more surely than would levees fail if built with the same factor of safety.

That there is a reasonable limit to the necessary height of levees is emphasized by the agreement of authorities above referred to that this year's water would not have gone above 48 at Memphis. To hold this water, the levees generally in this section should be raised an average of 5 or 6 feet.

In 1,720 miles of levee in the lower St. Francis and all districts on both sides of the river below Memphis there were 9 miles of breaks. Of the entire 1,720 miles of levee 99½ per cent stood intact against a stage of water much higher than it was designed to withstand.

Your committee recognizes that after the building of the levees high and strong enough it is of the greater importance to their stability that the seepage underneath shall be prevented or minimized; and while the details as to the best methods of accomplishing this are engineering questions, which they are not prepared to solve conclusively, they believe that in isolated cases that are especially aggravated some form of sheet piling might be advantageously used, and that at other places the principles of increased base width and of sublevees, which have been very successfully used in some of the districts, should be applied.

Your committee justifies its position by a reference to the highest authorities, whom they have studied carefully, to wit:

Humphrey and Abbott's report; Thomas and Watt; Maj. Chittenden; testimony before Senate committee, 1898; report of Board of United States Engineers on deepening channel, 1909; Engineering News, editorials; a careful study of the existing grades in their relation to the standard grades in the several levee districts and of the levee heights and sections at the several breaks.

C. C. PASHEY, Chairman.
A. L. DABNEY.
ELLIOTT LANG.

Resolution.

Whereas, on May 18, 1912, this club was addressed by the Hon. George H. Maxwell, executive director of the Pittsburgh flood commission, on matters covered by the Newlands river-regulation bill; and

Whereas a resolution of unqualified indorsement of said bill was passed on that date by this club; and

Whereas the levee and reclamation committee (a special committee appointed by this club and charged with the duty of securing indorsements of this bill from the other civic and business organizations in this city), after careful study of the Newlands bill, the literature placed in the hands of the committee, the speeches by Senator Newlands and others in Congress, the Government reports, and a wide range of technical writings on the subject treated, comes and requests a reconsideration by this club of its former indorsement: Therefore be it

Resolved, That this club thanks Mr. Maxwell for the scholarly presentation of his interpretation of the provisions of the Newlands bill; and be it further

Resolved, That while this bill possesses many admirable features, such as its provisions for irrigation, reforestation, and the drainage of swamp lands capable of being drained and cultivated, as a whole it is Utopian in its character and does not differentiate between public improvements to which the United States Government has already committed itself by many years of substantial assistance and such projects as impounding of waters for the purpose of flood prevention which have been almost universally rejected by the engineering profession, and which alone would require far in excess of the whole funds set apart in the division of the bill where reservoirs are authorized; and be it further

Resolved, That this club does hereby qualify its indorsement of the Newlands bill by requesting its amendment by striking out all provisions for the construction of levees, constructing artificial lakes, basins, or reservoirs for the single purpose of impounding flood waters, constructing by-passes, flood-water canals, waterways, and other devices in-

tended to divert the waters of streams for flood protection; and be it further

Resolved, That this club recognizes in the levee system of the lower Mississippi River a system of flood protection which has become standard practice the world over by reason of centuries of successful application; and be it further

Resolved, That the Senators and Representatives in Congress from the lower Mississippi Valley States are hereby urged to give their first and untiring attention to the passage by Congress of a bill which shall commit the United States Government to cooperate with the States or levee districts to the extent of a definite obligation to bear at least half the cost in each district, of building the levees to an early completion, and to the building of a general system of bank revetment, with an appropriation of \$8,000,000 per year for 10 years, one-half to be used for revetment, for which the Government shall bear the entire cost, and one-half for levees to be paid for by the Government and the districts or States jointly; and that the present status of the Mississippi River Commission be left unchanged, and that all commercial bodies in the lower valley be requested through the press to indorse this policy; and be it further

Resolved, That copies of these resolutions be transmitted to other civic and business bodies in this city, to all Senators and Representatives in Congress from the lower Mississippi Valley, to the Pittsburgh Chamber of Commerce, and to the press of Memphis.

Mr. LEVER. Mr. Speaker, I yield to the gentleman from Virginia [Mr. Flood].

Mr. FLOOD of Virginia. Mr. Speaker, a great campaign is pending, one involving mighty interests to the country and the great body of the people. I desire to place in brief compass my view of the principal candidates for the Presidency and the parties which are contending for the control of this Government for the next four years.

In doing this I desire that what I shall say shall be preceded by an account of the reception that the news of Gov. Wilson's nomination for the Presidency was received in the town of his birth by a speech which was made on that occasion by one of his early friends and schoolfellows. Gov. Wilson was born in Staunton, Va., the Queen City of the beautiful Shenandoah Valley; a land so beautiful that we can imagine God smiled upon it and that smile crystallized on the landscape; a land rich in memories, rich in material resources, and rich in the splendid character of its people.

I now send to the Clerk's desk and ask to have read the account of the demonstration in Staunton upon the reception of the news of Gov. Wilson's nomination:

The Clerk read as follows:

[The New York Sun, July 7, 1912.]

Nowhere was the nomination of Woodrow Wilson as the Democratic candidate for President of the United States received with greater enthusiasm than at Staunton, Va. Of course, the enthusiasm is accounted for by the fact that Gov. Wilson was born there. People at Staunton remember him as a boy and as a young man. They also recall his father, the Rev. Joseph Ruggles Wilson, who was for a time minister of the Presbyterian Church at Staunton.

The Rev. Dr. A. M. Fraser, who has charge of the church now and who lives in the manse in which Woodrow Wilson was born, was a schoolmate of Wilson's at Davidson College in North Carolina when Wilson was a youth of 16. He describes Wilson as not overstudious, popular with the student body, fond of reading and of outdoor sports, especially of baseball, at which game he was especially expert.

On Tuesday night, when the news of Wilson's nomination by the Democratic convention at Baltimore reached Staunton, a crowd gathered around the Fraser home and called on Dr. Fraser for a speech on Woodrow Wilson. What Dr. Fraser said is of special interest as showing how Gov. Wilson impressed his friends as a young man. Dr. Fraser said, among other things:

"This occasion does not call for a political speech. It is merely a time of rejoicing and mutual congratulation that one who was born in this town and in this house has been set before the world as the chosen standard bearer of a great party. I offer you my congratulations, fellow citizens, upon this notable occasion in our history.

"We do not misunderstand each other. We do not rejoice merely because Woodrow Wilson was born in Staunton nor because he is a Democrat, but we are elated beyond all expression that one who was born in our town and has party affiliation with us has proved himself before all the world to be so eminently capable and worthy to be the Chief Magistrate of this Nation. If he had been chosen to this honor and had been incompetent to be a President we would have hung our heads in mortification at the thought that he was a native of our town. If having received the honor he had been unworthy of it, we would have hidden our faces in shame at the mention of his having been born here. But it is because he is both capable and worthy that we are proud to acclaim him a native of our city.

"We have many good reasons for our admiration for Gov. Wilson. We admire him because of his scholarly mastery of the science of government. We have no sympathy with the snarl at the 'schoolmaster in politics.' Some people seem to think it an intolerable impertinence for a man who knows the subject of government in a thorough and scientific way, knows it in the light of history and in its application to modern economic conditions, to take any part in the practical management of affairs. Our enthusiasm for Gov. Wilson is our protest against that view.

"We admire him also because of his lofty character, his ideals of political honor and the gracious dignity, self-respect, and independence he has shown under the powerful strain that has been upon him. Most of you know that I was associated with him when he was a boy in his teens. I testify now that he was laying the foundation of that sort of character then.

"He was a manly youth, genial and fun-loving, but of decided religious conduct, and pure in his conversation. I do not recall that I ever heard him say anything that he might not have said anywhere. I must express the gratification I feel at the fact that you seem to have caught the influence of the man in your celebration to-night. Your demonstrations have been joyous and wild, and I have gone the full length with you in my feelings, yet I have not observed anything un-

becoming or that he would disapprove, and I trust it may be so to the end.

"Again, we admire him for the way he has of getting what he goes after. You have heard the story of Gov. Wilson and Gov. Glenn when they played baseball together at college. Glenn, who was captain of the team, said to Wilson:

"Wilson, you would make a first rate baseball player if you were not so lazy."

"You will bear me out in the sentiment that on the political diamond on which Gov. Wilson has been playing of late there is no grass growing. He has made a good batter in political life. He has so far made every base he has run for, and we believe he will make a home run for the White House in November.

"I claim the honor of having made the first speech in the campaign of Gov. Wilson for the Presidency. The first Wilson Club was organized in Staunton. As soon as the organization was effected the club asked me to make some remarks, as I have known the candidate at college. I did make a brief speech. That was the first one I have any knowledge of. And now, up to the present time, I have made also the last speech in the campaign.

"I deeply sympathize with the feeling that has led this great crowd to come and pay its respects to this house in which Woodrow Wilson was born. The room to my right is his birth chamber. It is the place where he drew his first breath of free American air and where he gave his first Democratic yell."

Gov. Wilson was born at Staunton on December 28, 1856. In the early fifties Gov. Wilson's father was pastor of the Presbyterian Church of Staunton, a very old town as age goes in America, but of only a few thousand population before the Civil War. The elder Wilson is only remembered by the eldest inhabitants. In the minute book of Lexington Presbytery he is entered as pastor of the Staunton charge from March, 1855, to October, 1857, at which time he removed with his family to Augusta, Ga.

There were only three children born to the Wilsons, one son, Woodrow, and two daughters, Annie, wife of the late Dr. George Howe, of Columbia, S. C., and Marion, deceased wife of Dr. Ross Kennedy, of Little Rock, Ark.

After the Wilson family moved to Georgia Staunton saw little of any of them until young Wilson's college days at the University of Virginia, when he had grown to young manhood and frequently visited Staunton. The chief attraction that Staunton held then, as now, to the young men of the Virginia schools was the girls' schools, chiefly the Presbyterian Seminary, now the Mary Baldwin Seminary, one of the largest schools for girls in the South. One of the buildings of the present institution formed the church in which young Wilson's father held his services during his pastorate here.

Young Wilson first went to college at Davidson, N. C. Later he changed to the University of Virginia, at Charlottesville, about 40 miles from Staunton. There he studied law.

During his university days he was a frequent visitor to Staunton, his chief object being, as he himself expressed it later in life, to see his "fair cousins" at the Mary Baldwin Seminary. No college man in those days, or in these either for that matter, could pass the portals of the seminary unless he were at least a cousin of the young woman he wished to visit, so strict were the rules in regard to callers.

From the university he returned South and practiced law several years before entering Johns Hopkins University at Baltimore, whence he entered upon his literary and educational career which brought him prominently before the public, made him president of Princeton, governor of New Jersey, and the Democratic nominee for President.

Staunton has seen little of Gov. Wilson since those early days, but the town is as proud of his achievements as though he had spent his whole life there. Just as soon as he was elected governor of New Jersey city officials and personal friends wired their congratulations, and the following night the Staunton Woodrow Wilson Club, to boom Wilson for the Democratic Presidential nomination, was formed. The charter membership numbered over a hundred. Peyton Cochran, a graduate of the University of Virginia and of Princeton while Wilson was president of that university, is the president of this club, which is said to be the first and only original Woodrow Wilson club in the United States. Mr. Cochran was one of Wilson's most active supporters in the Virginia delegation at Baltimore.

Staunton has played a rather prominent part in Wilson's campaign for the Presidential nomination. On the occasion of his speech to the Virginia Legislature last spring Staunton sent a band of several hundred men to whoop things up for him. The town also gave him an instructed delegation from city and county to the State convention, fought valiantly but unsuccessfully for an instructed delegation from Virginia, and sent a crowd of Wilson rooters with an enormous orange and black banner to Baltimore. These rooters tried to place their banner on the stage of the convention, and the scrap that followed formed part of the convention.

Following the big demonstration in Staunton the night that Wilson was nominated a Wilson banner was strung across the principal business street of the city. This was many hours before Gov. Thomas R. Marshall, of Indiana, was nominated for second place on the Democratic ticket. Yet the next morning Staunton awoke to the fact that the banner by a curious coincidence united the drug stores of the Messrs. Wilson, on one side of the street, and W. C. Marshall on the other. They now have it "Wilson and Marshall, druggists and Presidents."

Druggist Marshall picked Wilson and Marshall as the winners months ago and sent them each a Virginia fairy stone, which is looked upon as an omen of the best of luck. The story goes that one of these stones has been sent to every President of the United States except Lincoln, Garfield, and McKinley, and including Theodore Roosevelt. Mr. Marshall in writing the Indiana executive called attention especially to the latter's good luck, which was then at its zenith. The governor wrote back that he hoped the stone would "neutralize the mixture in American politics." Staunton hopes it will do that and more.

After leaving Staunton the next period of Gov. Wilson's childhood was passed at Augusta, Ga. There his father established a reputation as a forcible and fearless preacher. The boy was a precocious youngster. His Scotch-Irish strain insured to him a vigorous constitution, and he was always mentally active.

It was not until he was 9 years old, however, that he was taught his alphabet, and then he was sent to school. He was placed in the care of Prof. Joseph T. Derry, who kept a private school, and there he had as a schoolmate Associate Justice of the Supreme Court Joseph R. Lamar.

In the meantime, however, the Civil War had been begun and young Wilson's father had sided with the southern cause. Of these dark days Gov. Wilson has often said he recalls but little. One incident that made such an impression on him that he never forgot it was the meeting of two men in front of his father's house and the startling announcement

by one of them that Lincoln had been elected and there would surely be war. He was then a boy of 4.

He has never forgotten the day that Jefferson Davis was taken through Augusta as a prisoner on his way to Fort Monroe. This happened when he was 9.

Young Wilson was popular with his playmates and was known by them as a good fellow. He was full of nervous energy. He learned to ride a horse at an early age and often galloped along the roads of Augusta on the back of an old nag that his father was in the habit of driving when he made his pastoral calls.

As the boy Tommie—he was christened Thomas Woodrow Wilson—Gov. Wilson was recognized as a chum of his father. They were together much of the time, especially after the church service on Sunday afternoons, which they almost invariably spent together. The clergyman frequently took his boy on trips through the city, visiting manufacturing plants, and the youth was always extremely interested in his father's explanation of things that are not always gleaned from books.

Dr. Wilson had a faculty of describing things as he saw them that made an impression on his son's mind, and many of the allusions which Gov. Wilson has made in his campaign speeches to the operators of great industrial plants and the men who make the wheels go around are first-hand impressions obtained on these trips with his father in his boyhood days.

At the age of 14 Wilson moved with his parents to Columbia, S. C., and buckled down to preparing himself to enter college.

In the fall of 1873—he was then 17—Wilson was admitted to the Presbyterian College at Davidson, N. C. He became ill before finishing the first year's course and returned to his home at Wilmington, N. C., where his father had been called to the Presbyterian Church.

His liking for ships and things of the sea, which developed when he was a small boy, made the port of Wilmington very fascinating, and he spent many hours a week idling along the water front and listening to the tales of sailor folk. It was here for the first time in his life that Wilson manifested a liking for social events.

For a year he dreamed and brushed up on Latin and Greek, and in the fall of 1875 he went to Princeton. He didn't hide his light under a bushel, and it wasn't long before he became a conspicuous figure in his class, but not, however, as a student. At his graduation he was the forty-first man in his class.

The members of the class of '79 recall Wilson as a young man with a liking for political science and a great interest in things political, who gave up as much of his time as he could spare from his studies in fitting himself for the thing that he seemed to like the best.

While at college Wilson learned shorthand, and had the advantage over some of his classmates whom he engaged in debate by making stenographic notes of points made by them.

Gov. Wilson was married in 1885 to Miss Helen Louise Axson, of Savannah, Ga. Mrs. Wilson is intensely interested in her husband's career and is said to know as much about inside politics as many of the cleverest politicians in the country. She doesn't like publicity.

The governor has three daughters—Margaret, Jessie, and Eleanor—each of whom has her own particular hobby. Miss Margaret Wilson is 26, and bears a strong resemblance to her father. She is a musician. Miss Jessie Wilson is 25 and is devoted to settlement and religious work. Miss Eleanor Wilson, who is 21, inherited her mother's liking for things artistic, and is a student at the Academy of Fine Arts in Philadelphia.

Gov. Wilson retained Princeton as his home town after giving up the presidency of Princeton University to become governor of New Jersey. He moved from the president's house to a fine residence in Cleveland Lane. The home life of the Wilsons is ideal, and the governor has often said he is never happier than when he is permitted to escape from the affairs of state to enjoy the society of his family.

Mr. FLOOD of Virginia. There can be no doubt that Gov. Woodrow Wilson will be the next President of the United States. There can be no doubt that the people of this country prefer him to the swashbuckling Ananias who is leading the Progressive Party or the ponderous and inefficient candidate of the Republican Party. There can be no doubt that the people of this country prefer the conservative progressiveness of the Democratic Party to the reactionary policies of the Republican Party or the extreme radical declarations of the "Bull Moose" Party.

Broadly speaking, the three parties present the following programs:

(1) The Republican Party promises that its historical policies, methods, and alliances shall remain unchanged.

(2) The Roosevelt party engages to destroy government as now established and to create a new system operated by direct popular control and based upon socialistic and communistic principles.

(3) The Democratic Party pledges a restoration of popular rule, not by the destruction of representative government, but by a reformation of those agencies and methods by the use of which the Republican Party has wrested representative government from its true functions and made it subject to secret influences and the servant of special interests.

The maxim that we shall have a government of law instead of men is true in the sense that the popular will as expressed in laws and institutions should prevail rather than the uncontrolled discretion of individuals. But in another sense government, in its practical results, takes its color and form from the men who control it—the men who make laws, interpret laws, and administer laws. No wisdom in framing institutions can safeguard the future against the corruption or inefficiency of those who actually govern. The value of the human element in government is the greatest factor in the equation. As Gov. Wilson has pointed out, inasmuch as our Government consists of three great functions, balanced against each other, and subject to no common, affirmative control, there must be some organization outside the Government to give coherence and direc-

tion to the action of political forces. This organization is a political party which by the pressure of its discipline and because of its control of the personnel of the branches of government draws the great functions into agreement and system. In this country some party must actually govern, and in the degree that the dominant party is responsive to popular will and popular needs, to that degree exactly we will have popular government. For many years the Republican Party has been in fact the National Government. From its extraconstitutional, but none the less its real seat of power, it has through its agents dictated laws, administered them, and in effect performed all the functions of government. What has been written in the statute books, they have written; what has been done, they have done; what has been omitted, they have failed to do.

So far as any government can be responsible for present conditions, they are responsible. Have they governed for the common good or with common counsel? Have they not made secret and sinister alliances with those who desired to exploit public law for private gain? Have they not so used this large power that our Government is now notoriously out of adjustment with the needs of the people, and has been used to create conditions that are hostile to the well-being of the masses? Have they not brought the Government of our fathers to such a pass that many honest men actually think that the Government itself must be changed in its most fundamental conceptions?

This campaign presents a choice of parties and a choice of candidates who in an unusual degree personify their party.

President Taft, by conviction and temperament, stands for the old Republican régime. What Bourbon ever lolled on the thrones of France or Spain who learned less or forgot less than has Taft since he began his political career? To him the furtive and profitable alliance between big business and big politics is natural and commendable. He believes that the people's affairs are best administered by trustees who are permitted by law to filch the estates of their wards.

Ex-President Roosevelt offers the candidacy of a man who, with the Republican Party for seven years, was in complete control of the National Government. According to his own confession he steered the ship of state upon the shoals, and now says that the fault was not with him, but the ship itself—that the ship must be torn to pieces and rebuilt upon fundamentally different plans and then put under his permanent command.

The nomination of Gov. Wilson has given confidence to his party and hope to the country. His wide vision, his extraordinary acquirement, and his acute insight into the heart of economic and political problems, makes him the foremost interpreter of the eager and insistent popular desire for better conditions. In the administration of government the country will not only have the benefit of his supreme ability, but holding up his hands and carrying into effect his program of reform will stand the Democratic Party, now restored to its ancient significance and performing its historic functions.

Methods and policies of government can not be changed without the defeat of the now dominant party. No reform can be accomplished as long as the Republican Party is in power, because even if Taft was not himself hopelessly entangled in all the abuses which are so gross and have lasted so long that many people have lost confidence in the very principle of representative government, he could work no good thing with the Republican Party as his instrument, because its personnel is composed of the innumerable filaments of privilege, which bind it irrevocably to the service of special interests. Taft might harangue the worshippers, but the oracle would always be worked by the Aldriches and the Penroses. It is not possible that the Nation can at this time find any serviceable instrument of reform except the Democratic Party under the leadership of Gov. Wilson.

Among the constituents of the Democratic Party there are few whose privileges will be taken away by measures of reform. It does not owe anything to the sinister influences which, for their own purposes, have so long administered government in the name of the Republican Party.

The thing that most concerns the electorate is the spirit and purpose with which the Democratic Party, under its great leader, now seeks power and responsibility.

It is their purpose, as Gov. Wilson has set forth, to apply the rule of right, to take common counsel with all the people, to discard all that is furtive and indirect.

In such spirit and purpose all of our problems can be solved and the threads of true democracy woven into the Government of our complex civilization. [Applause.]

Mr. LEVER. Mr. Speaker, I yield eight minutes to the gentleman from Alabama [Mr. BLACKMON].

The SPEAKER pro tempore. The gentleman from Alabama [Mr. BLACKMON] is recognized for eight minutes.

Mr. BLACKMON. Mr. Speaker, I have not to a great extent imposed my views on this House during my service here. I am very much gratified at the legislation that has been passed by this House. I have aided in my feeble way in the passage of many bills that I believe will be of great benefit to the masses of the people.

When the Lever bill was first called to my attention, the suggestion was that it would increase the amount of money to be appropriated by the Federal Government for the extension of agricultural educational work throughout the country, and I said I was in favor of the bill. But, after examining its provisions, I have reached the deliberate conclusion that there are many dangerous features in it—that is, if we are in favor of the present methods of farm demonstration work. It can not be questioned that the cooperative demonstration work, as carried on by the Department of Agriculture, has been of great value and will be of lasting benefit to the people.

Now, this bill proposes to change the present methods. That is all there is to it. I propose to offer amendments to section 2 of the bill. I challenge any Member on the floor of this House and the author of the bill, if he now favors the present method of farm demonstration work, to oppose these amendments. If he does, he proposes to strike down our present methods. I will offer these amendments and ask that they be printed in the Record.

Mr. LEVER. Mr. Speaker, I reserve a point of order on the amendment.

The SPEAKER pro tempore. The amendment will be reported. The gentleman from South Carolina reserves the point of order on the amendment. The Clerk will report the amendment.

Mr. BLACKMON. I propose to offer two amendments.

The SPEAKER pro tempore. Let the Clerk read them.

Mr. BLACKMON. I would not like to have that time taken out of my allotment.

The SPEAKER pro tempore. They should be read; otherwise the amendments can not be pending.

Mr. BLACKMON. Then I will have them read.

The SPEAKER pro tempore. The Clerk will report the amendments offered by the gentleman from Alabama [Mr. BLACKMON].

The Clerk read as follows:

Amend, section 2, lines 14 and 15, by striking out the word "communities" and inserting in lieu thereof the following: "counties of such State."

Amend, section 2, line 18, by striking out the period after the word "otherwise" and adding the following: "Provided, That nothing contained in this act shall be construed or held to in any wise interfere with the demonstration work now being conducted by the Department of Agriculture of the United States of America and known as the 'Farmers' cooperative demonstration work.'"

Mr. LEVER. Mr. Speaker, I make a point of order on those amendments.

Mr. BLACKMON. Now, Mr. Speaker, during the service I have had here I have seen gentlemen make great protestations and air their views and express their deep love for the farmers. I have never done that myself. I was reared on the farm, and I am proud of it. But I find that gentlemen who make such great professions of devotion to the farmers offer, when it comes down to brass tacks, new schemes of doubtful value. Our present work is admitted to be of value. The State from which I come and from which comes the distinguished leader of the majority [Mr. UNDERWOOD] in the last year produced a yield of corn amounting to twenty million-odd bushels over any previous annual yield, and this proportion applies to all other crops. Now we propose to change the present methods of instruction. We propose to turn it over to the colleges. I am not a college man myself, but I appreciate the advantages to be obtained from a college education. But if you destroy this work, I do not believe that that great institution in Alabama—Auburn, one of the great institutions of the country—can improve on this work that is being carried on by the farmers themselves through our present methods. I have not the slightest objection to this bill if you will incorporate an amendment providing that it shall not interfere with the work that is now being carried on.

I am glad to see the agricultural schools get an additional appropriation, and it will no doubt be well spent; but I do oppose and shall always oppose a provision to take from the farmers, who know what they are about, anything that they now have. I have very little respect for a newspaper farmer; I have very little respect for a man who sits in his office or sits in the shade and undertakes to tell me when I am out in the field how to do my work. I do not believe he can do it. So

this is the proposition. I make the prediction now that if this bill is enacted into law in four years farm demonstration work as it is now conducted will be a thing of the past. A professor of a college might write a splendid bulletin. He might deliver a splendid lecture on the best and most improved methods of farming, but I say that the method that we now have, where a man goes out into the field with the farmer and stays there in the hot sun and goes through the work with him, that this is a better method than to have a man sit in his office and write a letter or a bulletin telling how to do it.

I propose in the amendment that I shall offer to section 2 that the provisions of this bill shall in no way interfere with our present system, and I say to the author of the bill and I say to gentlemen on the floor that unless you are in favor of cutting down and destroying our present method, then you will support the amendment. [Applause.]

Of course, in eight minutes it is impossible to discuss an important matter of this kind. For that reason I opposed this bill being brought up at this time.

I would have liked very much to point out in my feeble way other serious objections that I have to this bill, but my limited time will not permit me to do so.

Mr. LEVER. I yield to the gentleman from South Carolina [Mr. FINLEY].

[Mr. FINLEY addressed the House. See Appendix.]

Mr. BOWMAN. I ask unanimous consent to extend my remarks in the Record on this bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. BOWMAN] asks unanimous consent to extend his remarks in the Record on the pending bill. Is there objection? There was no objection.

Mr. LEVER. I yield the balance of my time to the gentleman from Indiana [Mr. MOSS].

Mr. MOSS of Indiana. Mr. Speaker, if there is any one thing connected with my life that I am proud of beyond another, it is the fact that I was not only born upon a farm, but that I have lived upon that farm all of my life. The place of my birth is my present home. Whatever education I received above that of the common school was received in our State agricultural college. Hence by environment and by study the question of agricultural education has been ever an active factor in my life, and I believe that agricultural education is the greatest question before this Nation. More than that, Mr. Speaker, I am willing to declare my belief that the acquirement of an agricultural education is a most abstruse and complex labor. In agricultural education you have to do not only with the forces of nature, but you are dealing with the germs of life, both vegetable and animal life. No man has ever fully comprehended the mystery which we call life; nor has fully understood the law of its nutrition, but I am not going to discuss that question on the floor to-night. I wish to deal more particularly with the subject in hand—the consideration of the Lever bill.

Mr. Speaker, it is the fashion of the hour in the discussion of economic questions to assert that the ingenuity of man has solved the problem of the creation of wealth, and that our trouble is that we have failed in devising any method whereby society is assured of an equitable distribution of the wealth which the labor of man has produced. So deeply is this assumption rooted and grounded in popular belief that political parties have been formed with this assumption as the basic plank in their confession of faith. The men who make this profession belong to that class who worship manufacturing as a national idol, and who can see in the strength of a steam engine the energy to create national wealth. What is a workshop except a place where the life energy of men is expended in changing one form of wealth which has been produced by man's labor into different forms of the same material? There is no machine yet invented which can create something out of nothing, and thus truly add to the total sum of our national wealth. To find such a manufacturing enterprise you must seek the farm, the great laboratory where the eternal energy of the Creator is at work as busily in this age as in the first six days of the beginning. The mine and quarry are but sources where we may find a limited store of hidden wealth, but when the supply is once exhausted there can be no further additions to man's comfort from these industries, but in the soil we find an unlimited source of national wealth—the one place in all the earth where Christ still feeds the multitude by miracle. The heat of the sun, the moisture of the clouds, and the nitrogen of the air are not more eternal than is the productivity of the soil. The fields which fed the Roman soldiers in their long marches around the world are to-day yielding to the needs of their owners more liberally than they did centuries ago, and so far as the human mind can foretell will continue to feed

the multitude for unnumbered ages yet to come. The great primary needs of man—food, clothing, and shelter—are products of the soil, and the goodness of God to His children is strikingly shown in His decrees that their production shall be unlimited and inexhaustible, so that it is man's crime if a single human being shall go hungry, ill clad, or poorly housed.

Asserting, then, with confidence, Mr. Speaker, that the soil is the true source of national wealth, it naturally follows that no nation can master the production of wealth until that people shall have been able to obtain the maximum yield from the soil of its domain; nor can a plenitude of the necessities of life be assured to any people except that they increase the productivity of the soil in due proportion to the increase of the prime needs of their population. These truths are so elementary, Mr. Speaker, that a mere statement of them establishes their verity. It remains only to show that we are not meeting these requirements as a Nation to establish a cause for the uneasiness and unrest which is so plainly manifest among our people and to make it our imperative duty to enact this pending measure into law.

As a nation we have made rapid advances in every calling except that of farming, and have demonstrated the efficiency of American endeavor in every industry except that of agriculture. The national averages of England and Germany in agriculture are more than double that of our Nation, and yet their fields were under cultivation for centuries before the ship was built which landed Columbus on our shores. Corn is our great national grain crop, and so perfectly is our soil and climate adapted to the growth of this giant grass that we produce 75 per cent of the world's crop of this great cereal. We have statistics for a period of only 40 years as to our production of this crop, but within that time our average has fallen from 26.2 bushels per acre to 25.4 bushels. We have apparently about reached the maximum acreage which can be devoted to corn growing, as the acreage in 1909 was but 3.7 per cent greater than it was in 1899, while the total production was actually less. This decline in yield of corn—0.8 bushel per acre—if computed at current prices, means a net annual loss to the Nation of \$50,000,000, while if our average yield had been regularly increased one-fourth of 1 per cent per year, or 10 per cent in the 40 years, our national wealth would have been increased last year in the vast sum of \$170,000,000. In 30 years Belgium by a national campaign of education has added 14 bushels to her national average yield of wheat; in 40 years, under our educational methods, we have added 1.8 bushels to our national yield. If we had advanced as rapidly in 40 years in wheat culture as Belgium did in 30, our national income would have been increased in the sum of \$600,000,000 last year. If some method of extracting a billion of dollars annually from the rocks of our hills could be invented, it would usher in a golden era in the life of our Nation, yet a truly progressive system of national agriculture would add more than a billion dollars per year to our national income.

It is time that plain words be spoken about this subject. Our orators speak eloquently about the great results which flow from our present system of agricultural education. I call for the proofs. The record from our national census proves that our yields are stationary or are declining per acre in all standard crops. The census year of 1909 shows a lower yield per acre in corn, oats, and barley than the census year of 1899, while wheat, rye, and buckwheat give increases—but the year of 1899 was an abnormally low yield in both wheat and rye. Thus compared with normal yields, there would be an increase in buckwheat alone during a period of 10 years in the life of our Nation.

During this 10-year period, while our total population increased 21 per cent, the farm population decreased. No further back than 1880 we were a nation of farmers; now we are a nation of city dwellers. In 1880, 70.5 per cent of our population was rural; 7 out of 10 lived on farms and in the country; in 1910 but 53.7 per cent of our people lived in country homes. The result of these changes is that while our total population increased 21 per cent between 1900 and 1910, our acreage of all cereal crops increased but 3.5 per cent, and the actual yield in 1909 was but 1.6 per cent greater than it was 10 years before, in 1899. If we make this calculation per capita, it means that our national production in cereals has fallen in 10 years from 58.4 bushels per capita to 49.1 bushels per capita.

This reduction in our production per capita is a most important fact, yet it is coupled with an increased consumption per capita, so that the candle is burning at both ends. In 1880 our per capita production of wheat was 9.2 bushels and our consumption was 3.59 bushels, leaving a free surplus of 5.61 bushels. In 1910 our production of wheat had fallen to 7.4

bushels per capita while our consumption had risen to 6.48 bushels per capita, leaving a free surplus of only 0.92 bushel per capita. The statistics as to corn tell a similar story. In 1880 we produced 34.9 bushels per capita and our consumption was 17.9 bushels, leaving a free surplus of 17 bushels per capita. In 1910 our production had fallen to 27.7 bushels per capita while our consumption had risen to 27.3 bushels per capita, leaving a free surplus of 0.4 bushel per capita. In proof of the accuracy of these remarkable figures, I submit the exports of both wheat and corn for the year 1910 as given me by the Bureau of Statistics. Exports of wheat (combining flour in terms of bushels of wheat), 87,364,214 bushels; corn, 36,802,374 bushels. These figures almost exactly agree with the sums of the free surpluses of these two great crops as given in the above calculations.

During this census period in the State of Indiana we lost population in 56 counties out of a total of 92. There was a loss in population in every strictly agricultural county in the State. Benton County is conceded to be the first agricultural county in our State. The average price of land in this county is given in the Federal census as being over \$100 per acre. If there is one spot above another in Indiana where the agricultural population should be well satisfied it would be in this great agricultural county. When I was a student in Purdue University this county was principally an unreclaimed swamp; now it is thoroughly drained and improved; yet the loss in farm population in this modern Garden of Eden was 3.3 per cent for the last census period. The same story is repeated in every other prime agricultural county in the State.

Since the days of Abraham every agricultural nation has estimated its wealth by taking a census of its cattle. During the last census period our cattle decreased 6,500,000 head, so that while our population increased 21 per cent our cattle decreased in number 4.7 per cent. This creates a practical crisis in the affairs of our Nation, because we can not permanently sustain a rapidly growing population with a steadily declining cattle supply. In Indiana the situation is even worse than in the Nation, for, accepting either State or Federal census returns, for every 100 head of cattle which we had in 1900 we have but 90 head in 1910—a loss of 10 per cent or an average loss of 1 per cent per year. The Federal census returns give the total number of calves in the United States in 1900 as being 15,000,000; 10 years later the number had fallen to 7,000,000; in the State of Indiana the number had fallen from 428,000 to 184,000. Yearling steers had decreased in numbers 50 per cent, and all other classes of steers showed a like heavy reduction in numbers. The steady advance in price of cattle in all markets of our country during this period attest the substantial accuracy of these estimates, and we must admit that our Nation is facing an acute shortage in beef cattle. Yet some statesmen are seriously proposing an investigation of the Beef Trust as a remedy for this most serious condition of the agricultural life of our Nation.

The final evidence as to our condition as an agricultural nation is an examination of the mortgage indebtedness. We have seen that agricultural production has remained practically stationary; it could easily be shown that land values have risen very rapidly—in fact, they have nearly doubled within 10 years; taxes have increased; fertilizer bills have increased 40 per cent on the average; labor and all other cost items have increased—yet the ordinary impression has gone forth that this is the millennium for the farmers, and that every other class of citizenship is bearing a burden of tribute to the farmers as a class. The one positive barometer to measure the financial condition of the farmer is the mortgage record in the courthouse. In the Nation farm mortgages have steadily risen, both in number and in total amount, during the last census period. If our national yield of grain had increased at the same rate that our farm mortgages have increased the result would have enriched the Nation and have reduced the cost of living to the world. In 1900 only 31.1 per cent of our farms which are operated by their owners were mortgaged; in 1910 this percentage had risen to 33.6 per cent. In Indiana 70 per cent of the farms are operated by their owners; in 1880 76.3 per cent were operated by their owners, so that we have had a progressive increase in tenant farmers—the figures for owners being: 1880, 76.3 per cent; 1890, 74.6 per cent; 1900, 71.4 per cent; and in 1910, 70 per cent. In 1900 the average mortgage debt on the mortgaged farm in Indiana was \$972; in 1910 this sum had risen to \$1,443 per farm, while the percentage of mortgaged farms had risen from 36.5 per cent to 38.8 per cent. We have thus shown that agricultural production is stationary per acre, that our free surplus of cereals is rapidly approaching the vanishing point, that tenant farming is increasing, that rural

population is decreasing, and that farm indebtedness is increasing.

I assert with confidence that no other set of facts are of equal importance to the people of our Nation or of the world. The food supply is one of prime importance to any people; and as the United States have been the principal exporters of foodstuffs to feed the world, our local conditions are reflected in the markets of the world.

This is not a political question except that political government is instituted among men to promote the general welfare. It is primarily a question of education. In the beginning God wrote the law that controls the production of the earth and no man nor legislature has ever been given the power to modify or to amend it. While it is true that the maintenance and productivity of the soil has been a subject of study and concern from the earliest historic times, but little progress was made in our knowledge of the soil and its relation to crops or of methods of management until the modern science of agricultural chemistry was established by Liebig about 1840. At that date we had slave labor in the United States and it was a crime in certain States to teach the farm laborer, if he were a slave, to read and to write. The great Civil War was fought only 50 years ago. At that date we had but few schools, and only those who were intended to follow the so-called professions were given any but the most limited schooling. In fact, it is but recently that our most progressive States have adopted the policy to teach every child to read and to write, and in some States of the Union, if all citizens are considered, perhaps 40 per cent of the total number can not read and write. The resolution that every citizen shall be educated is the greatest advance in government which has been made since the Declaration of Independence was written, and when fully accomplished will work greater changes in our life as a people than any other event since Christ gave His life to advance the interests of mankind.

The educational leaders of our great cities are urging the establishment of vocational schools, so as to assist the boy and girl to discover themselves and thereby more truly prepare for their proper calling in industrial life. The work of training the children for industrial life is so appalling in its magnitude that not a single city in the United States can report any considerable progress; yet this is a pigmy's task compared to educating the agricultural workers of America, but if we are to give our children the heritage we derived from our fathers—if we are to bequeath to succeeding generations an opportunity in life equal to that we received from our parents—then that task must be successfully accomplished. This is true conservation; this is true progressive government; this is the only method by which wealth can be created in perpetuity, so as to give to every citizen sufficient to meet his daily needs as imposed by the law of his nature.

Man by divine decree was ordered to work in order to create wealth; he was endowed with a mind fashioned after the divine intelligence, so that he might interpret the law of the universe, and it is the highest duty of the State and Nation alike to aid this great educational movement. For this reason I am for this bill. I would support any bill which would forward agricultural education among the masses of our population, but I am for the Lever bill because it comprehends the very best method to augment this extension work at the present stage of the movement. I am proud to say that I helped to frame and to adopt the first statute in Indiana which appropriated public money from our State treasury to organize agricultural extension work. We were fortunate in our methods and placed the leadership of this work in the control of our State Agricultural College. As a result, we have the best corps of educational workers of any State in the Union. It would not be possible to organize another as efficient teaching force in our State on this subject. Our legislature has most wisely increased the fund available for this purpose from time to time, until now we are spending more than \$150,000 annually for this purpose. This bill most wisely proposes to recognize this splendid organization and similar organizations in every other State where it has been created and to add the funds of the Nation to those of the State under one common leadership. This is the strength of this great measure. It is practical; it is effective; it unifies State and national aid and effort in this field.

No student of this great question believes that this legislation is the last word on this subject. It is a splendid measure to meet the most pressing needs, but other legislation must be enacted, both by States and by Congress. More money must be appropriated from both Treasuries, but I gladly support this measure because it is a timely and practical recognition that the question of better agricultural education is the most vital and important question before the American people and is the

best method to insure a square meal and a full dinner pail to every American citizen in the future cycles of our national life. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

INDIAN APPROPRIATION BILL.

Mr. UNDERWOOD. Mr. Speaker, I understand the conference report on the Indian bill will be in here in a few minutes to be presented for printing in the RECORD.

Mr. STEPHENS of Texas. Mr. Speaker, the conference report is not quite completed, but I ask unanimous consent to have it printed in the RECORD under the rule.

The SPEAKER. The gentleman from Texas asks unanimous consent to print the conference report on the Indian bill in the RECORD under the rule after the House adjourns. Is there objection?

There was no objection.

POST OFFICE APPROPRIATION BILL.

The SPEAKER. The Chair will inquire if anyone knows anything about the conference report on the Post Office appropriation bill?

Mr. FINLEY. My understanding is, Mr. Speaker, that the conference report is nearly, if not quite, ready.

The SPEAKER. The Chair is informed that it will not be ready until about 11 o'clock.

Mr. FINLEY. I ask unanimous consent, Mr. Speaker, that it be printed in the RECORD under the rule.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the conference report on the Post Office appropriation bill may be printed in the RECORD, notwithstanding the rule. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

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

S. 6781. An act in reference to the issuance of patents and copies of surveys of private-land claims.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6781. An act in reference to the issuance of patents and copies of surveys of private-land claims; to the Committee on the Public Lands.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6384. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers or sailors.

SPEECH OF HON. W. C. REDFIELD.

Mr. SWEET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech of Hon. WILLIAM C. REDFIELD before the Flatbush Democratic Club on September 20, 1911.

The SPEAKER. Is there objection?

There was no objection.

The speech is as follows:

WAS THE PRESIDENT RIGHT?

[Speech of Hon. WILLIAM C. REDFIELD before the Flatbush Democratic Club Sept. 20, 1911.]

"In discussing the address which President Taft delivered at Hamilton, Mass., on the 26th of August last, I wish to avoid anything that approaches political prejudice or passion, and to treat it as a serious public utterance of our Chief Magistrate in a calm and thoughtful spirit. The dignity of the presidential office demands this, as does the personal character of Mr. Taft. The substance of the President's address is a defense of his vetoes of the several bills reducing the tariff passed at the recent extra session of Congress, or what are popularly known as the wool, the free list, and the cotton bills. The President attempts to justify his vetoes on the broad grounds that these bills were based upon insufficient knowledge, were defective in form as the result of haste, or were the result of purely partisan

motives, being intended to embarrass the Executive rather than to effect any actual bettering of conditions. In general, he alleges that the work of Congress was based upon insufficient knowledge and upon a somewhat reckless desire to carry out a party policy without due consideration of its results upon our industries.

"One can not dismiss the statements of the President with a laugh or a word as idle or incorrect. If he is wrong, it should be shown, for in so far as he may be right the truth will ultimately appear, and the Democratic Party has no desire to fight against the truth even if stated by a Republican President, nor does the Democratic Party wish to work in the dark when light can be had.

"Inasmuch, however, as the President's speech is a summing up from his point of view of a whole situation, let us clear the air by defining clearly that situation out of which his speech arose.

"Mr. Taft was elected President in 1908 after a campaign in which a leading issue, and one which he accepted and approved, was the revision of the tariff. It was the clear public understanding about which there is not the faintest doubt that this revision of the tariff was to be a downward revision. True, certain of the so-called 'standpatters' now allege that this was not explicitly stated to be the fact, and it is true that the word 'downward' is itself not a part of the platform of the Republican Party. None the less, the whole spirit of the Republican campaign and the whole public point of view was saturated with the idea of a reduction of the tariff, and no voice was lifted—and this is significant—in that campaign to say even that the tariff should be maintained on the basis where it then stood; much less was it hinted that it should be in any respect raised. Mr. Taft himself when a candidate said, September 24, 1908, there should be 'a substantial revision downward.' He received the support of many independent Democrats who believed him committed to a reasonable reduction of the tariff, and who confided in his judicial temperament and training and in his personal character. Had it been then supposed that Mr. Taft was the man who would sign the Payne-Aldrich tariff law, he would have lacked much support, quite apart from any other considerations. I think candid men will concur in the above statements. The Political Science Quarterly for March, 1910 (edited by Columbia University), says in an article on page 39:

"It seems very clear that so far as Mr. Taft was concerned tariff revision meant downward revision, and it is difficult to ignore the fact that a very respectable number of voters so understood him.

"But the Payne-Aldrich tariff law came into being with Mr. Taft's approval, and he indorsed it as the best tariff law the country had ever had, although he also stated that the wool schedule was indefensible, and that a combination of woolgrowers and wool manufacturers had been in substance too strong for Congress and the Executive then to overcome.

"It is history that at the first opportunity and after full discussion, namely, in the elections of 1910, the people of the country resented this, and showed it by turning out the Republican House of Representatives and substituting for it a Democratic House with a majority of 65 Members. It is also history that the Democratic Members of this House of Representatives elected in 1910 were so elected under the most explicit and clear pledges to reduce the tariff, and not only so, but expressly to do it on those items which were of widest popular use, to wit, clothing, food, and other similar articles of widespread and general consumption. Were I standing before you to say that for any cause I had in any degree taken any action which in the most indirect way looked toward maintaining the existing duties upon food, clothing, and the like, you would know that I had been false to my pledges, for you also know that the campaign was made upon the basis that the tariff upon these things must be reduced. What was true of myself was generally true throughout the country. When Mr. Taft summoned the Sixty-second Congress in special session, he knew, for he was plainly told so, that he was summoning a House of Representatives pledged to reduce as speedily as possible the duties upon clothing and upon food, and a House, furthermore, which would have been dishonorable and derelict had it failed to do so. For the President to argue, therefore, that the House of Representatives should have waited for any board by whomsoever created or of whatever nature in the face of this express, clear, and definite public mandate is to suggest something unworthy of serious thought. The House of Representatives which Mr. Taft summoned in extra session was created for the purpose of taking off the duties on clothing, food, and the like. That was the cause of its being. The mandate which ordered it to do

this superseded the mandate on which Mr. Taft was himself elected, but even this latter, as I have above pointed out, was itself a mandate looking toward the reduction of the tariff.

"But the President himself afforded in his reciprocity campaign the first opportunity to assault the tariff wall. In so far as this reciprocity bill looked toward a reduction in the excessive taxes upon food and clothing and the like, it was good Democratic doctrine, and the Democratic House would have failed to keep its pledges had it failed to approve it by whomsoever suggested. What the Democratic House therefore did in passing the reciprocity bill it did because it believed that bill to be true Democratic doctrine, and because it believed then and believes now that in substantial principle it does not differ from the wool bill, the cotton bill, and the free-list bill which the President later vetoed.

"The President frankly acknowledged his indebtedness to the Democratic Party for passing the reciprocity bill. He might well do so, for without the Democratic votes the bill would have failed, and it is to be noted here that so long as the Democratic House agreed with the President's point of view, the latter thought the House was patriotic, but when following precisely the same principle on which it approved the reciprocity bill it passed the wool bill, then the Democratic House became ill advised, ignorant, and guilty of political trickery. This brings the situation up to the time when the wool bill came under consideration.

"In view of the President's attack upon this bill, it is pertinent to think who the men are that had it in charge, and how it was treated prior to its passage. The Democratic majority of the Ways and Means Committee was composed of men, most of whom had been members of that committee throughout the discussion in the previous Congress on the Payne-Aldrich bill. They were and are familiar with that discussion. They took an active part in it. They had before them all the facts out of which the Payne-Aldrich bill grew, and they had in their hands the report of the Republican Ways and Means Committee that created the Payne-Aldrich tariff. Whatever information the authors of the Payne-Aldrich law had—and this law the President said was the best tariff law we ever had—was available to the Democratic Ways and Means Committee when it began work on the wool schedule. They had before them fully and in detail all the facts upon which the bill was based, which the President signed. Furthermore, they were familiar with the combination between the woolgrowers of the West and the woolen manufacturers of the East to which the President objected, to which he admits the Republican Congress yielded, but which the Democratic Congress resisted.

"This is history, and is not denied. The Democratic Ways and Means Committee took the President at his word, and his word coincided with their instructions from their constituents, namely, that the tariff on clothing, which in its present form the President stated was indefensible, and against which in its present form the carded wool manufacturers have been loud in protest, should be promptly reduced. But not only was the Democratic Ways and Means Committee actuated by the mandate of the people behind them, by the criticism of many woolen manufacturers themselves, and by the President's own criticism of the measure with which they had to deal, and not only were they in possession of all the information that the President had when he signed the tariff act, and that the Ways and Means Committee had when they created the act, and not only did they consider facts submitted by the carded woolen manufacturers who protested against the continuance of the act in its present form, but they had further and special information and equipment for their work. There was in the House of Representatives one of the largest woolgrowers in the country, Mr. KENT, of California, a Republican who voted for the bill and in favor of passing it over this veto. There was in the Democratic majority one man who had had the experience of building, equipping, and operating a textile mill in Asia with Chinese labor, Mr. DIFENDERFER, of Pennsylvania. The chairman of the Ways and Means Committee himself is in direct and immediate touch with manufacturing practice and theory, and I presume it was largely because I had myself spent one-fourth of a century in active manufacturing life that I was deemed worthy to represent you there. They had before them also the facts laid by the late Senator Dolliver before the Senate in the debate on the Payne-Aldrich bill. Neither that able and lamented man nor those who had the benefit of his studies can properly be accused of ignorance on the subject so fully presented by him. More time was put by the Ways and Means Committee under these conditions upon the woolen schedule than was ever in the history of the country

devoted to the consideration of a single schedule. This is not denied. Mr. PAYNE said, indeed, that prior to the passage of the Payne-Aldrich law they had been considering the whole tariff two years. This is perhaps true, but it is also true that the very men who were during those two years upon the Ways and Means Committee are on the Ways and Means Committee now; and that whatever that two years' study may have meant, its results were familiar to the Democratic majority on the present committee. Among these results were 16 volumes of Tariff Hearings, 950 pages of Notes on Tariff Revision, and 4,000 pages of a Report on Wood, Pulp, and Paper. Apart from this, however, three months' hard work were spent by well-equipped and experienced men upon this single schedule; and no such amount of time was ever given in the past to a single schedule by any Ways and Means Committee.

"The bill was submitted to the Treasury Department and received its approval as to its form and language, and from this it passed into the hands of the Democratic caucus. Any one who thinks that it received there a perfunctory approval is singularly misinformed. I was present throughout. The debate lasted 10 hours. It was outspoken and unrestrained. Men from all over the country spoke their minds without let or hindrance. If ever a measure received a grilling at the hands of the men who had to become responsible for it, this was it. It was a splendid example of the keenest kind of self-criticism. For any man to say of a measure that passed through that fire that it was either ill-considered or hasty, is absurd. In the end the Democratic Members agreed in their approval of the measure.

"After several weeks of open debate in Committee of the Whole, the bill passed by a majority nearly double that which the Democrats had in the House. It was by this simple fact immediately lifted out of the realm of mere party measures. Substantially one-half of the majority for the bill were men from the great Republican States of the Central West. The bill passed through subsequent stages in the Senate, of which the President speaks. Whatever modifications were there made were in the direction of making it less radical. I do not believe it was radical when it first passed the House, but it was less radical when it passed with the Senate amendments. It was more of a protective measure and less of a purely revenue measure when it passed the Senate than it was as first created, but if this was as the President states—and truly—a compromise, it was a compromise in the direction of moderation. If experienced men had made a safe measure before which had stood the fire of criticism, the compromise made it safer if, indeed, there were any risk at all. And the Democratic majority, frankly preferring its own bill, yet pledged to any reasonable course in reducing the burdens of taxation and the cost of living, in candor and fairness of spirit and with an open mind, accepted the amended measure as a step in the path they were commanded to tread. It was not so long a step as they wished to take, but a good long step, all the same.

"I believe this to be a truthful and impartial statement of the facts. The President descending from the dignity of his high office may, as a partisan speaker, say if he will that this is a "tariff for politics only," yet he knows—and so does every Republican leader—that the Democratic House would have been dishonored had it acted in any substantial way other than as it did.

"The President vetoed the bill. For this act he must account, and the accounting will be given in the open and subject to the judgment of men who will be made to know the whole truth. For myself, I do not see on what grounds the President justifies the continuance longer of the combination between the woolgrowers of the West and the woolen manufacturers of the East, which he said was too strong for the last Republican Congress and with which he has now aligned himself.

"But there are two points of justification which the President uses with which we must briefly deal.

"Although the House of Representatives is charged by law with the duty of originating revenue measures, and although its Ways and Means Committee, composed of experienced and thoughtful men, acted in the light of full information and after mature thought in preparing carefully the wool bill, which the President vetoed, none the less Mr. Taft insists that the House should not exercise such lawful duties at all or perform the function for which it was expressly elected until after another body, unknown to the Constitution, and not authorized by law for the particular purpose for which it is now to be used, shall have reported. You will look in vain

in the Constitution and in the precedents that have arisen in our national history for any case in which the right or the duty of the House of Representatives to originate financial legislation is questioned until another board shall have informed it how to proceed. I venture to think the President has introduced a novel and a dangerous element into our constitutional life, and one the present use of which can only be justified, if it can be justified at all, by the existence of two conditions simultaneously. These are that Congress was so ignorant that it could not fitly exercise the functions for which it was elected, and that the Tariff Board is so well informed on the very matters upon which Congress is ignorant that the latter must be arrested in its work until it has the advice and counsel of the former. In other words, Congress did not know how to do its work, though charged by law to do it, and the Tariff Board did know how to do it, though not charged by law so to do. Therefore, Congress, elected for a certain duty, must not do it till it is told how. I do not think this is a strained or unfair statement of the situation. We have already seen that it is not true that Congress failed in knowledge or experience in respect of the wool schedule. It can not be successfully denied that if any former Congress was competent to deal with the wool schedule, then the present Congress was more so. If the President admits by inference that the last Congress in creating the Payne-Aldrich law was ignorant and ill advised, I agree, but without in the least admitting that the present Congress was at all its fellow in these respects.

"But if Congress is not ignorant, is the Tariff Board well informed? I have in an address upon the cotton schedule before the House of Representatives already touched upon the difficult, and to my thought the impossible, task placed upon the Tariff Board. I have no doubt they will submit a report excellent in form and attractive in substance. Their sincerity, their ability is not questioned, but I doubt the possibility of their giving to Congress or to the country any information of special value for the purpose of basing taxation thereon. This arises from the very nature of the problem with which they have to deal.

"Figures showing the relative cost of production are worthless by themselves. The facts behind the figures which cause those costs are the essential things. They have gone, for example, for costs in one case I know to a certain mill. The figures derived from that mill are worthless until it appears as an explanation of them that the mill is an ancient, wooden one with a high fire risk, that it is located miles from a railway and with insufficient and variable water power. You and I do not purpose to be taxed to make good the deficiencies in this mill. In another case, they have gone to a mill well equipped indeed, but keeping no accurate and continuing thorough scientific costs. I do not care to be taxed, nor do you, upon the basis of an estimated cost. Further, these costs change constantly. They are not now what they were when the year began. They will not be when the Tariff Board report comes in what they are to-day. The whole effort to base taxes upon the changing and fluctuating elements in cost is absurd.

"We have an example of the Tariff Board work in their report upon the wood-pulp and print-paper industry. This report I have analyzed before the House of Representatives. Speaking thoughtfully as a business man, and after reading the report with some care, I can not find in it one fact that would make it possible to base a tariff upon anything it shows. There is in it the frank admission that cost is variable. There is in it the plain statement that the cost of a single article in a single respect may vary from 98 cents per ton to \$5.90 a ton. There is in it the clearest evidence of the fluctuating nature of costs. There is nothing in it that is helpful for the purposes of taxation. Yet with this report before him and with an amusing ignorance of manufacturing costs the President solemnly says that Congress shall not act until another such report has furnished it the information it needs.

"An illustration is worth many arguments. In a factory in Brooklyn, well managed and prosperous, it became necessary to change the superintendence. A young man of energy and brains, with a good knowledge of the business, but without any special factory experience, seemed to be the person available. He was put in charge. The opportunity to him was an inspiration. In two years the product of that shop was doubled without adding a man or a machine. In those two years the costs of production went down so that every six months nullified the costs of the previous like period. Suppose just before this man took charge the Tariff Board had come along for a statement of costs; then before the report was printed those costs were ancient history.

Suppose that at the date of the report they had been revised, then before Congress could have acted they would have needed revision again, and by the time a law based on them had come into effect the result of a tariff based upon the costs then existing would have been the payment of a great bonus on the basis of new costs which had meanwhile come into being.

"My own business has factories in Detroit and Troy. In making similar goods the costs are not alike; on which will you base the tariff? A week ago I sat at lunch with two gentlemen connected with one of our largest industries. They have six factories. The costs are not alike in them, and a man who can make them so can not be had. Which of their shops is to be made the basis?

"It may be said by the uninformed that while theoretically changes in cost exist, yet practically in old industries they are established. Nothing could be farther from the truth. By hunting up what have passed till now as trifles, the supervisor of locomotive operation on one division of the Erie Railroad saved in the first three months of this year over \$28,000 in fuel alone while performing the same work as in a like time in 1910. The brickmaking industry is thousands of years old. A friend is now operating an apparatus developed within two years that cuts the cost of brickmaking in half as compared with ordinary methods. There is no limit to cost reduction save the capacity of the human mind.

"I have said enough to show you the folly of making the changeable costs the basis of a fixed tax, and I only add these words taken from a quarter of a century experience as a manufacturer—any statement of costs made by the Tariff Board will be to me useless as a means of basing taxation thereon, for I shall know beyond all shadow of doubt that those costs may have been so radically altered since they were obtained by the Tariff Board that nothing whatever can be predicated upon them, and, further, that a mere historical cost is of small value. It is the possible costs that count.

"But, finally, there is one thing in the President's veto message which, to my mind, shows the fundamental difference between the Republican and the Democratic outlook upon these tariff matters. It is a trifling thing, doubtless the President and some editors would say, but to me it seems one of those revealing lapses which, like a small light, may cause one to see large things. The President says there is 'no exigency' in public affairs which requires prompt action. I deal only with cold, plain truths in asking of what conditions arose the cry of 1908 for a reduction of the tariff? Was it not an exigency caused by the high cost of living? Out of what arose the public mandate which the present Congress has obeyed, and which destroyed the Republican majority in the House of Representatives? Was it not the severer pressure of that same exigency arising from the high cost of living? What do you find at home now unless it be the continued exigency of the high cost of living? True, this particular exigency does not affect the leaders of our industries. The margin of safety is broader for the mill owner than for the mill worker, and conceding the former all he claims to have suffered from unfavorable business conditions, his suffering has been relative rather than actual, the loss of profits rather than poverty. But what about the men in his mill and the worker on the daily wage and the working woman and the clerks and the men at small salaries? Did these men feel the pressure of the high cost of living in 1908? If so, did they not feel it more in 1910? Is it released to-day, or are they still under pressure? What do the 60,000 textile operatives in New England who were laid off during August think of this? We shall not go, you and I, in this thoughtful meeting into convulsions or spasms of oratory about this, because the results in the homes of many of our people arising from this high cost of living are too serious, but looking at all the facts calmly and quietly is it not true that it was an exigency of serious importance out of which arose the orders to the present Congress to reduce taxation, and is it not the fact that that exigency stands to-day as a real, daily pressing matter in the homes of the average man and woman? As I look back it seems to me the Democratic majority in the House of Representatives saw always before them this exigency. They were pledged and commanded to meet it, and they did so; but, upon the other side, the minority in the House and the President in the White House could not see that exigency. They looked at the picture from a different angle. They saw and the President states the point of view of the mill owner. Doubtless they did it sincerely, but the division between the parties comes plainly into view just here that the Democrats see from the consumers' end and the workers' end and the Republicans see from the owners' end, each looking at different sides of the shield. And it is

perhaps an incidental evidence of this outlook that you did not find the suggestion that the Tariff Board shall include in their report any statements from the consumers and from the mill workers. It is admitted that the manufacturers are providing them with information. It is not suggested that the workers shall do so, and I confess that a statement of costs that does not include facts as to how they bear upon the mill worker and how they bear upon the consumer of the mill products does not interest me greatly.

"Despite 90 per cent protection under Schedule K, wages in the woolen mills compare unfavorably with those in other industries less highly protected. Woolen manufacturers complain that their labor is inefficient. Other manufacturers less favored by duties do not so complain. And I get hints that there is not unanimity among our woolen people, that some woolen manufacturers say they do not care what is done with the tariff so long as it is settled. Will the Tariff Board inform us on these factors?"

"This principle we may safely lay down: Manufacturers must go to the limit of self-help before they can ask the public to tax itself to keep them. No tariff can righteously cover costs arising from mistakes in management, errors in location, bad equipment, faulty methods, or neglect to adopt the most modern system of cost keeping and supervision.

"Meanwhile we await with interest the report in which the Tariff Board will tell us what many manufacturers do not themselves know—the cost of the goods they make—and we give them this final hint. The actual or historical costs do not greatly concern the public. The possible costs are the greater thing, and these, so far as we know, are not to be a part of their report."

EXTENSION OF REMARKS.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. HUGHES] who is ill, be granted leave to extend his remarks in the RECORD on the agricultural-extension bill.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 7 o'clock and 10 minutes p. m.), the House adjourned until to-morrow, Friday, August 23, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (S. 7409) to constitute a commission to investigate the purchase of American-grown tobacco by the governments of foreign countries, reported the same without amendment, accompanied by a report (No. 1228), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the resolution (H. Res. 705) requesting the President to furnish information regarding the alleged killing of James W. Rodgers by British soldiers in Africa, reported the same without amendment, accompanied by a report (No. 1236), which said bill and report were referred to the House Calendar.

Mr. TOWNSEND, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 108) authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet, reported the same without amendment, accompanied by a report (No. 1237), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAFFERTY: A bill (H. R. 26383) to amend section 2 of an act entitled "An act supplementing the joint resolution of Congress approved April 30, 1908, entitled 'Joint resolution instructing the Attorney General to institute certain suits,' etc.," approved August 21, 1912; to the Committee on the Public Lands.

By Mr. LOBECK: A bill (H. R. 26384) for the recognition of the military services of officers and enlisted men of certain State and military organizations; to the Committee on Military Affairs.

By Mr. STANLEY: Concurrent resolution (H. Con. Res. 63) authorizing the printing of 25,000 copies of the majority and minority reports of the committee to investigate violations of the antitrust act of 1890 and other acts; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 26385) for the relief of the estate of Ferdinand E. Kuhn; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 26386) for the relief of James A. Griffith and Hannibal I. Griffith; to the Committee on War Claims.

By Mr. DOREMUS: A bill (H. R. 26387) granting a pension to Mary A. O'Donnell; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 26388) granting an increase of pension to Jacob J. Brake; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 26389) granting an increase of pension to Susan Billet; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 26390) granting an increase of pension to William P. Wells; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 26391) for the relief of Michael H. Morrin; to the Committee on Military Affairs.

By Mr. AUSTIN: A bill (H. R. 26392) for the relief of the family of Railway Mail Clerk Bruce Hodge; to the Committee on Claims.

PETITIONS, ETC.

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

By Mr. CALDER: Petition of Henry C. Maine, of Rochester, N. Y., against passage of Senate bill 4043, the Kenyon interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the American Embassy Association, of New York City, favoring passage of House bill 22539, relative to embassy, etc., buildings; to the Committee on Foreign Affairs.

Also, petition of the Regular Colored Democratic Association, of Brooklyn, N. Y., favoring passage of Senate bill 180, relative to celebration of the fiftieth anniversary of the freeing of the negro; to the Committee on Industrial Arts and Expositions.

Also, petition of the International Association of Machinists, favoring passage of House bill 25305, against the stop watch for Government employees; to the Committee on Labor.

Also, petition of the State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the New York Produce Exchange, favoring passage of House bill 25572, to amend the laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

Also, petition of the B. V. D. Co., of New York City, against passage of the Oldfield bill (H. R. 23417), proposing change in patent law; to the Committee on Patents.

Also, petition of A. G. Marshuelz & Co., of New York, against passage of the Kenyon interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of the National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill, proposing change in the patent law; to the Committee on Patents.

By Mr. SULZER: Petition of openers and packers of the United States appraisers' stores, port of New York, relative to raise in salaries; to the Committee on Ways and Means.

By Mr. UTTER: Petition of citizens of the State of Rhode Island, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.