UNITED STATES ATTORNEYS.

J. Virgil Bourland to be United States attorney, western district of Arkansas.

Edward C. Love to be United States attorney for the northern district of Florida.

Herbert S. Phillips to be United States attorney for the southern district of Florida.

Fred Robertson to be United States attorney for the district of Kansas.

J. Warren Davis to be United States attorney for the district of New Jersey.

COLLECTOR OF INTERNAL REVENUE.

Josh T. Griffith to be collector of internal revenue for the second district of Kentucky.

POSTMASTERS.

ILLINOIS.

Marshall E. Daniel, McLeansboro.
John Odum, Harrisburg.

MASSACHUSETTS.

George P. Cooke, Milford.

OHIO.

H. B. Sibila, Massillon.

TENNESSEE.

Margaret G. Elliott, Murfreesboro.
J. C. French, Memphis.
J. N. Maxwell, Somerville.
Adam S. Nichols, Dandridge.
G. H. Rhodes, Whiteville.
I. R. Roberts, Erwin.
R. L. Strong, Collierville.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 10, 1913.*

The House met at 12 o'clock noon.

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

We rejoice, O God, our heavenly Father, in Thy goodness and in Thy wonderful works to the children of men. "The heavens declare Thy glory, and the firmament showeth Thy handiwork. Day unto day uttereth speech, and night unto night showeth knowledge. There is no speech nor language where their voice is not heard. Their line is gone out through all the earth and their words to the end of the world." And we rejoice with exceeding great joy that Thou didst reveal Thyself in the heart of the Christ as the Father of all men, and didst pour out Thy love for Thy children in the sublime sacrifice on the Cross of Calvary. We rejoice that the Christ spirit has been coming more abundantly and with greater potency into the hearts of men, uniting all peoples into one great family, teaching that what hurts one hurts all and what helps one helps all. Hasten the day, we beseech Thee, when all men shall recognize the sublime truth and practice it. In the spirit of the Christ. Amen.

The Journal of the proceedings of Friday, June 6, 1913, was read and approved.

LEAVE OF ABSENCE.

Mr. LOBECK, by unanimous consent, was granted leave of absence for two weeks on account of important business.

ADJOURNMENT UNTIL FRIDAY.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next.

The SPEAKER. The gentleman from New York asks unanimous consent that when the House adjourns to-day it adjourn to meet on Friday next. Is there objection?

There was no objection.

COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent for the immediate consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 166.

Resolved, That the Committee on the District of Columbia is hereby authorized to have such printing and binding done as may be necessary in the transaction of its business.

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

There was no objection.

The resolution was agreed to.

COMMITTEE ON EXPENDITURES IN THE DEPARTMENT OF AGRICULTURE.

Mr. DOUGHTON. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 167.

Resolved, That the Committee on Expenditures in the Department of Agriculture is authorized to have such printing and binding done as shall be necessary for the discharge of the work of said committee during the Sixty-third Congress.

The SPEAKER. Is there objection?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to ask the gentleman if this committee had the authority in the last Congress?

Mr. DOUGHTON. I think so.

Mr. BURKE of South Dakota. Does the gentleman know?

Mr. DOUGHTON. I was not chairman of the committee in the last Congress, but I know they had lots of work done, and I know they had that authority.

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

There was no objection.

The resolution was agreed to.

LEVEES ON THE MISSISSIPPI RIVER.

Mr. MCKELLAR. Mr. Speaker, on May 15 last Mr. Albert S. Caldwell, of Memphis, Tenn., president of the Mississippi River Levee Association, delivered an address before the Arkansas Press Association, then in session in Memphis, on the subject of levees on the Mississippi River, which address is such an excellent presentation of this great and live subject that I ask unanimous consent to print the address in the RECORD as a part of my remarks.

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

There was no objection.

The address is as follows:

"The protection of the alluvial lands of the Mississippi River from overflow and the addition of this vast territory to the productive area of the United States is now generally admitted to be a national duty. The three great political bodies embodied declarations to this effect in their last platforms, and their candidates committed themselves to it during the campaign. On a recent visit to Washington I talked on this subject to 15 United States Senators from 12 different States, to many Members of Congress, to the Secretary of War, the Secretary of Commerce, and the President. Every one of them said he was convinced that this work was national in scope and too great to be undertaken alone by the affected localities. I also visited New York, and there saw the managers or editors in chief of many prominent newspapers and magazines, and found the same opinion prevailing as in Washington. But always the same question was asked: 'How can the Delta be protected from floods?' This question has been answered many times and, to my thinking, in a conclusive and convincing way, but the 'pseudo scientists' of the newspapers, as the Scientific American, in its issue of May 3, calls them, and others who seek notoriety by suggesting methods at variance with the overwhelming weight of scientific opinion, have so befuddled the public mind that many who are sincerely anxious to help the cure of this national ill are in doubt as to the remedy. The prospect seems so big that they overlook what they would do if they had a problem to solve in their own business. If it involved engineering knowledge and skill, they would unhesitatingly consult engineers, and would accept their methods if shown that such methods had proven effective elsewhere. This is an age of specializing, and no intelligent man in the conduct of his own affairs allows himself to be confused by the opinions of persons who have had no experience in the work he desires done.

A WORK FOR ENGINEERS.

"The protection and reclamation of the Delta of the Mississippi River is a work for engineers, and if they are practically unanimous on methods their decisions ought to be accepted. Unfortunately, however, there is a widespread effort to belittle the opinions of engineers and to cast doubt on their conclusions without offering anything in their place. The Panama Canal, the locks at the Soo, the new river at Detroit, and innumerable other works of great magnitude in the United States were not constructed by advocates of vague and untried methods, but by engineers. Experts and not the 'pseudo scientists of the newspapers' constructed the world's greatest tunnels, its railroads, its submarine cables, its bridges, its irrigation systems, and other wonderful works, and yet the opinions of the men who did these

great things and who have received the homage of the world count for little or naught with a certain newspaper which constructed the following remarkable sentence:

"The trouble with the levee expert is that if he were half as wise as he thinks he is he would be wise enough to know that he is not half as wise as he thinks he is.

"When it comes to a scheme of such magnitude and such far-reaching results as the protection of the Delta from overflow, a special obligation is imposed on those whose business is largely dependent on the prosperity of this region, to weigh carefully all proposed remedies and to refrain from confusing the public mind with a multiplicity of impractical projects, thus delaying, if not preventing, this beneficial work.

"Since many plans for the protection and reclamation of the Delta are now being advocated and the attention of the whole country is aroused through the public prints, I wish briefly to discuss some of them and to acquaint you with scientific opinion about the same.

RESERVOIRS.

"Reservoirs may be of value for small streams, but they are not feasible for as large a river as the Mississippi, even if the requisite land could be acquired, because their cost would be too great. As far back as 1860 a Government commission appointed by the United States, after years of investigation and study of the Mississippi River, reported:

"It has been demonstrated that no advantage can be derived either from diverting tributaries or constructing reservoirs.

"The Committee on Commerce of the United States Senate, after two years' careful work and the taking of testimony, which fills a large volume, reported in 1898 as follows:

"The cost of constructing and maintaining a system of reservoirs would be enormous and far greater than the cost of leveeing the entire river basin. This scheme is regarded by engineers as wholly impracticable. Your committee can discover no just or adequate relief in reservoirs.

"Col. C. McD. Townsend, in his address in Memphis last September, referring to the flood of 1912, said:

"It would require over $73,000,000 to build reservoirs that would hold the water that passed down the river in one day. The cost of storing one day's flow is ample for all the levee construction required on the river, while, if reliance is placed on reservoirs, provision must also be made for the other 48 days during which the river was above a bank-full stage.

"And in his speech of April 11, 1913, before the National Drainage Congress in St. Louis, Mo., referring to the Pennsylvania and Ohio floods of 1913, he said:

"This proposed system of reservoirs would have cost hundreds of millions of dollars and its effect on this year's flood height of the lower Mississippi could not possibly have exceeded 6 inches.

"Current Opinion, in its May issue, referring to the flood of 1913, says:

"In the entire Ohio Valley above Louisville 9,000,000,000 gallons of water fell. It would have taken 87 reservoirs each 20 miles long, 1 mile wide, and 25 feet deep to hold it.

"Make these into one, and you would have a reservoir 1,740 miles long and 1 mile wide and 25 feet deep, longer, wider, and deeper than the Mississippi River from Memphis to the Gulf. Without counting the cost of such reservoir, consider the small effect it would have had at Memphis. Col. Townsend, in his St. Louis speech, said:

"The water which passed Cairo on the 2d of April, 1913, came principally from the White and Wabash and the lower tributaries of the Ohio River, and after the waters of these rivers started to subside the flood from Cincinnati increased the flood heights at Cairo less than 1 foot.

"Even if the money and land could have been found for this enormous reservoir, how many more reservoirs would have been required to take care of waters from the White and Wabash, the Cumberland and the Tennessee in 1913, and what would they have cost? When floods come down the upper Mississippi or from the Missouri, how many and how large reservoirs would be required to hold their waters, where would they be placed—without speaking of the cost?

"Referring to the flood of 1912, which did not come from the Ohio Valley, Col. Townsend said in his St. Louis speech:

"To have retained the Mississippi flood of 1912 within its banks would have required a reservoir in the vicinity of Cairo, Ill., having an area of 7,000 square miles, slightly less than the State of New Jersey, and a depth of about 15 feet; the quantity of material to be excavated in its construction would be over 100,000,000,000 cubic yards, and its estimated cost from fifty to one hundred billions of dollars. Such a volume of earth would build a levee line 7,000 miles long and over 150 feet high.

"An interesting article in the Scientific American of May 3, 1913, written by Charles Whiting Baker, editor in chief of the Engineering News, after discussing the reservoir system at length, says:

"When we apply the cost of reservoir construction per million gallons of water stored to the huge volumes of water required to be stored, if we are to take care of the flood waters of rivers draining thousands of square miles, the magnitude of the sum required becomes appalling.

REFORESTATION.

"Expert investigation has proven that forests have very little to do with floods. The Senate Commerce Committee, to whose investigation I have referred, went into this matter fully, and reported as follows:

"Nothing in the evidence discloses the fact that the destruction of timber tends to cause or promote floods. It is the generally accepted opinion that it tends to rather diminish than to increase the rainfall.

"Col. Townsend, in his St. Louis speech, says:

"It is therefore apparent that even under the most extravagant claims of forestry advocates reforestation as a means of reducing flood heights on the Mississippi River requires the conversion of too much farming land into wilderness to be practicable. The waste land that can profitably be converted into forest reservations is too limited in area to produce an appreciable effect on floods. It requires from 20 to 50 years to produce a good forest growth, and over a century for the leaves of that forest to decay in sufficient quantities to produce the humus which will be satisfactory as an absorbent of rainfall. We can not afford to delay the drainage of the Mississippi Valley that long.

"The article in the Scientific American referred to gives some interesting facts on this question:

"There are many records of great torrents flowing over regions which were covered with dense forests. The flood in the Hudson River on March 27 and 29, 1913, was enormous and caused great damage at Troy and Albany, yet the height which the flood attained and the volume flowing in the river were less than the flood which occurred in February, 1857, and which was caused by water from the southern part of the Adirondack region. In 1857 nearly the whole of this region was covered with primeval forest. Better proof that a forest covering upon a watershed can not prevent great floods in the streams flowing from it can scarcely be given. Old records show also that in 1832 there was a flood in the Ohio River at Pittsburgh which was 5 feet higher than the flood of April, 1913. In 1832, however, a very large part of the watersheds of the Allegheny and Monongahela was covered with dense forests. The greatest flood height on record in the Mississippi River, at St. Louis, occurred in 1844 and the next highest in 1775. At both these dates the entire territory drained by the upper Mississippi and Missouri Rivers was in its natural condition. The recent floods—referring to those of 1913—were caused by an extraordinarily heavy rainfall, and nothing that man has done in the removal of the forest, cultivation of the ground, or the drainage of swamps had anything to do with it.

TRIBUTARIES AND OUTLETS.

"Other suggestions for reducing flood heights are the turning of some of the waters into tributaries, making cut-offs, and outlets. The United States commission in 1860 came to this conclusion:

"It has been demonstrated that no advantage can be derived from diverting tributaries and that the plans of cut-offs and of new or enlarged outlets to the Gulf are too costly and too dangerous to be attempted.

"The Senate Commerce Committee in 1898 says:

"Your committee can discover neither from the evidence nor from other sources any material relief from the outlet system.

"Col. Townsend, in his speech in Memphis on September 26, 1912, says:

"Cut-offs have been repeatedly tried in Europe as a means of reducing floods, but always with disastrous results. A cut-off affords relief at one locality, but at the expense of another.

"I thought the outlet plan had died with John Cowden, but only a day or two ago it bobbed up in a newspaper, and the old scheme of sending the Mississippi River to the Gulf through the Atchafalaya was again exploited. Owing to pressure brought to bear on the Government a number of years ago a thorough investigation of this scheme was made, and its futility as well as its appalling dangers were clearly proven.

"Since Cowden's scheme apparently has outlived him, I shall not be surprised to have the 'pseudoscientists of the newspapers' advocate canals on the east and west banks of the river as large as the river itself, insist on digging holes in the bottom of the river to connect with subterranean currents, and even the erection at regular intervals along the banks of hot-air outfits to increase evaporation.

ABOLITION OF THE LEVEE SYSTEM.

"While the total abolition of the levee system can hardly be considered a remedy for floods, yet some owners of lands wholly outside the levees and others who own no land anywhere cry for this. Even a certain newspaper, without the courage to openly advocate it but which almost daily declares levees to be a failure, every now and then hints at it and tries to persuade planters whose lands have been overflowed that the benefit to their soil from silt deposit more than offsets flood damage. It is needless to say that the sole proprietor of this paper does not own a plantation. It is asserted that with the levees removed the water would spread over a vast territory, would not be deep, and would run off quicker; but it is well known that the immense volume of water passing through levee crevasses takes much longer to reach outlets than when confined within the river's bank. The shallowness of an overflow as late as that of 1912, or in June, as sometimes has happened, and which would frequently happen without levees, is not of much consequence to the planter who sees the catfish sporting in the fur-

row and hears the bullfrog croaking in the meadow. To destroy present levees would be utterly impossible, and any attempt would be met not by injunction, the weapon of the law, but by the shotgun, a more immediate and effective weapon for the protection of property.

RISE OF RIVER BED.

"Before I come to levees as a means for flood protection I want to say a few words about the false statement which has often been made and is now frequently being made that levees cause the bed of the river to rise, and that after a while the bottom of the river will be where the top of the levees now is, and that, consequently, no limit can be placed on levee heights. To prove this it has been asserted that levees have caused the beds of certain European rivers to rise. Though this is not true, it is said and written over and over again. As far back as 1860 the Government commission, referring to the River Po, said:

"The extreme low water surface of the River Po has not changed perceptibly in more than two centuries, and consequently the bottom of the river has not been elevated during that time.

"Col. Townsend, in his address in Memphis last September, said:

"Several hundred years ago a French traveler visited Italy, and on his return reported that levees had raised the bed of the Po River. This statement was carefully investigated and found to be untrue, but it has traveled over the whole world wherever rivers have been improved and vexed the engineers in charge of their improvement. The French engineers have made careful investigation of the leveed rivers of France and found no evidence of such action. The Germans have studied the Rhine and the Austrians the rivers of Austria-Hungary and fail to detect it. The Mississippi River Commission has made similar observations of the Mississippi River and found more evidence of a scour than a fill.

"As great a newspaper as the New York Evening Post last February stated that levees had caused the bottom of the Mississippi River to rise, and what do you suppose was their authority? Mark Twain, when he was a pilot on the river. This paper did not take the trouble to find out whether the Government had taken soundings or if it had any reliable data on the subject, but relied entirely on Mark Twain's statement made years and years ago. Is it not astonishing?

LEVEES.

"A properly constructed levee system is the only feasible and economical method of preventing floods of the lower Mississippi River. This has been the opinion of all civilian engineers who have given the problem special study and of all United States engineers who have had charge of Government works along the river. As United States engineers are not allowed to stay in any locality more than two or three years and as there are many sections of the river each in charge of an officer, there have been many such in the last 25 years whose duty it was to investigate this system, and they have done so entirely free from personal interest or scientific prejudice. For a like period of time the Mississippi River Commission—a body composed of civilian engineers as well as those of the United States Army and a body varying greatly in its personnel over this period—has studied the subject and approved levees as the proper means for flood control.

"As far back as 1860 the Government commission, after discarding other methods, as I have already shown, came to this definite conclusion:

"The plan of levees which has always recommended itself by its simplicity and its direct repayment of investments, can be relied upon for protecting all of the alluvial bottom lands liable to inundation below Cape Girardeau.

"Another United States commission in 1875 so decided.

"The Senate Committee on Commerce in 1898 boldly declared:

"From all the evidence taken by your committee it is evident that the basins along the Mississippi River can only be protected from floods by an ample and complete system of levees from Cairo to the Head of the Passes.

"Col. Townsend, one of the ablest engineers in the world and now president of the Mississippi River Commission, was stationed in Memphis for over six years, in charge of this section of the Mississippi River. He also has spent many years on other portions of the river. He has investigated the levee systems of foreign countries, and it can almost be said he has made levees a life study. In his Memphis speech he said:

"Levees have been tested for ages and have proved uniformly successful when built to adequate dimensions; no other method of relief from floods has been successfully applied to large streams.

"Maj. E. M. Markham, of the United States Corps of Engineers, in an article which appeared in the Memphis Commercial-Appeal on May 4, says:

"It is therefore somewhat difficult to follow the theory, if one exists, upon which is based any conclusion that levees once built to the height and section demanded by well-understood principles of physics, will not keep the basins dry from any river stage for which they may be constructed, since it is not understood why the head, current, and soil elements of the question along the Mississippi are assumed to be so vastly different from those of many other well-known rivers whose waters for many years, and in some cases for centuries, have been successfully restrained by earth levees or 'mud banks,' if you please, where such levees have been designed and actually constructed in suitable relation to preconceived maximum river stages.

"Are the opinions of all these educated and scientific men who have had ample opportunities for investigation to be cast aside as worthless? Are the opinions of all foreign engineers who have had experience in such matters to be wholly ignored?

"The European engineers who build the levees along the Rhine, the Danube, the Po, and the Arno—all alluvial streams like the Mississippi—and which have held for hundreds of years, would be amused, if not astonished, by the slurring comments of some of our 'pseudo scientists of the newspapers' who call levees 'mud banks,' and who have a thrill of joy whenever a break occurs in a levee half the size of a properly constructed embankment. But we need not go to Europe for a tangible and visible proof of the efficacy of a fairly well constructed levee system. The levees in Maj. Dabney's district, 100 miles long, have not broken. Even these levees are not up to the standard of the perfect system proposed by the Mississippi River Commission, but they held the unprecedented waters of 1912 and 1913. Why not point to the Dabney levees as proof of the efficacy of levees when built properly instead of rejoicing over a crevasse in badly constructed levees, declaring this to be proof of levee failure? I fear the levee croakers are like the woman convinced against her will—she is of the same opinion still.

THE NEWLANDS BILL.

"Senator NEWLANDS, of Nevada, is the author of an elaborate bill providing for the expenditure of a huge sum of money for various projects, among others the Mississippi River levees. It provides an annual appropriation of $50,000,000 for 10 years, $35,000,000 of which is apportioned as follows: Ten million dollars to the Mississippi River from St. Louis to the Gulf, $5,000,000 to the Missouri River, $5,000,000 to the Ohio River, $5,000,000 to the Mississippi River above St. Louis, $5,000,000 to the Sacramento and San Joaquin Rivers in California, $5,000,000 for the purchase of additional forest lands. There are no specific apportionments to the following departments mentioned in the bill:

"The Smithsonian Institute for obtaining information relating to the subjects covered by the bill.

"The Bureau of Plant Industry for establishing garden schools and farms, instruction in irrigation and fertilizers, and for the purchase of lands for such purposes.

"The Geological Survey for topographical surveys and for examination of lands to be purchased.

"The Reclamation Service for building irrigation systems and the purchase of lands for that purpose.

"The Forest Service for the protection from fire and insect infestation of national forests, building of roads, establishment of nurseries, reforestation of denuded areas, and various other matters connected with forestry.

"The expenditure of the $10,000,000 provided for the Mississippi River from St. Louis to the Gulf covers bank revetment, levees, waste ways, by-passes, flood-water canals, restraining dams, impounding basins, reservoirs, artificial lakes, and regulation of the flow of source streams. The meaning of some of these words I do not understand, but the important fact remains that levees are provided for. Much of the bill seems to be vague and uncertain, but everything it contemplates to be done may be worthy of the doing. But I believe the control of the Mississippi River and the reclamation of the empire along its banks is big enough to be treated by itself and not made dependent upon projects in other sections of the country which are not of such magnitude and importance to the Nation at large.

"The bill which the Mississippi River Levee Association has been instrumental in introducing in Congress provides for a national appropriation of $60,000,000, to be expended over five years—$6,000,000 per annum for levee and $3,000,000 per annum for bank revetment; and on the express condition that the States, through their levee boards, contribute $3,000,000 per annum for five years for levees. This would make available $12,000,000 per annum for levees and $3,000,000 per annum for bank revetment; and the Mississippi River Commission, which has made a careful estimate of the cost of this work, declares this to be sufficient to put the levees in an impregnable position and forever prevent overflow. While we are asking the Government to help us, we are not trying to prevent it from helping others. Our position has either not been understood by many of the advocates of the Newlands bill or else has been purposely misrepresented. Because we believe that the Mississippi River should be treated by itself, just as the Panama Canal was, and because we think we can obtain from Congress an appropriation

of $60,000,000 for a definite undertaking of Nation-wide interest easier than an appropriation of $500,000,000 for many and varied projects, we have been accused by some of the advocates of the Newlands bill as dippers into the 'pork barrel.' I have always understood the 'pork barrel' belonged to those Members of Congress who swapped votes for the purpose of getting appropriations for their respective districts. There is nothing of this sort in our bill, because it deals with one matter only, and which is now universally recognized as of the greatest importance to every section of the country. There is no inducement to swap votes for this bill. The Newlands bill, to the contrary, provides for many things in many parts of the country and seeks the appropriation of an enormous sum of money. If we are casting longing eyes toward the 'pork barrel,' are the Newlandites looking in another direction? Senator NEWLANDS complains of certain southern Senators and Representatives in his article in the Saturday Evening Post of May 10. I quote his words:

"I regret to say that the Members of Congress and Senators from the lower Mississippi Valley have been most persistent in their opposition to the measure.

"This may be so, but these are men of high character, who would allow their own country to be devastated by floods every year rather than advocate the expenditure of the Government's money upon untried or impracticable schemes. I am sure all meritorious projects in the Newlands bill will receive their support. In a speech before the Interstate Levee Association at Memphis last September Mr. George H. Maxwell, one of the ablest advocates of the Newlands bill, said:

"There is not anybody in the world who does not recognize the fact that you have got to have a system of embankments lining this river from Cape Girardeau to the Gulf, and it has got to be a good deal bigger and a good deal better built than you have now. Those who are in favor of reservoirs do not say to discontinue your levee system. They do not say make your levees any lower or any higher. They say make them just as strong as can be made.

"Isn't this one of the important things in the Newlands bill? Why, then, should Senator NEWLANDS and his followers be so antagonistic to the very thing they say ought to be done? As the levees can be quickly constructed, and as some of the other things in his bill will take a very much longer time and are not supported by scientific authority as strongly as the levees, why should not Senator NEWLANDS help us to get the levees at once and then take up his other projects? If these are worthy, they can as easily be passed with the Mississippi River eliminated from the bill as with it in, and if they are not worthy there is small chance of their being carried into effect, even with our cause tied to them.

CONCLUSION.

"I conclude with a quotation from the Scientific American:

"That a few weak places in the levees failed in last year's flood and in this year's is no fault of the levee system, but is due to the fact that the levees have been built not to the height and width and strength that engineers knew to be advisable, but to such dimensions as the landowners along the river were willing to tax themselves for. It is doubtless too much to expect that the general public, deceived as it is apt to be by the pseudoscientists of the newspapers, will form correct opinions of such matters as river regulation and flood control for a long time to come. It may be hoped, however, that the public will learn to rely in such matters on the opinion of expert engineers."

RESOURCES OF OKLAHOMA.

Mr. MORGAN of Oklahoma. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an article from the Manufacturers' Record, of Baltimore, on the resources of Oklahoma.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to print in the RECORD an article on the resources of Oklahoma. Is there objection?

There was no objection.

Mr. MORGAN of Oklahoma. Mr. Speaker, much has been said about the wonderful resources of Oklahoma and the opportunities the State offers for the investment of capital, and the rewards offered for industry and energy in agriculture, manufacturing, mercantile business, and in almost every line of human endeavor. But with all that has been published complimentary to the new State it may be truthfully said "the half has never been told." If I should attempt to eulogize our people, describe our resources, and paint a true picture of our progress in the past and of our possibilities in the future, what I say would be the testimony of an interested witness. I therefore want to present the statement of a witness who is not only disinterested but who is thoroughly competent to testify on the subject about which he writes. By the consent of the House, I print in the CONGRESSIONAL RECORD an article appearing in the Manufacturers' Record, of Baltimore, in the issue of May 29, 1913, written by the editor, Mr. Richard H. Edmonds. The article is as follows:

The amazing development of Oklahoma in agriculture, in oil and gas production, and in railroad and city building activities during the last 10 years, which has been one of the most remarkable features of American progress, is to be surpassed in the coming 10 years. All that has been done has been pioneering work. In agriculture many problems had to be solved; in oil development many hundreds of thousands of dollars had to be lost in testing out the oil fields in the State. In railroad work operations have been seriously hampered by unwise political agitation, some of it honest, some of it thoroughly dishonest work of the political agitator, working for his own interest while making the people believe he was working for theirs. In city building activities some mistakes have been made by overdoing speculative land operations, but the number of these seems to be exceedingly small when all things are taken into consideration. Indeed one of the most striking facts which impresses the student of the development of this State is the relatively small amount of speculative operations, especially in connection with the vast oil and gas operations, that is going on as compared with speculation in times past in other oil and gas regions. There is here none of the wild speculative boom of the Beaumont section when that city suddenly became the center of the world's oil activities, nor is there anything comparable to the speculative era in the Indiana gas fields when that section was undergoing its wonderful development following the discoveries of gas in large quantities.

Men from all over the world are gathering in Oklahoma, and capital from abroad, from the North and from the West, is being heavily invested in oil and gas and manufacturing operations. But this great movement of men and money has not produced anything like as much speculation as I have found in times past in other rapidly developing regions. Indeed, so far as speculative land forever is concerned, I believe there is less of it in evidence, even in the most rapidly developing centers of oil and gas activity, than in many of the conservative but growing cities of the central South.

Oklahoma has been an experiment station for testing out many political theories. A good many of them have proved dismal failures. Its progress, amazing as it has been, would have been far greater had it never suffered from this fever of political agitation and the energy with which it was worked by the politicians as an experiment station in politics, in finance, and in railroad control. A saner view of the situation is coming about. The people of the State have learned by costly experience that a good many of the experiments that have been tried by politicians have been paid for by the people and not by the politicians. There is now a widespread sentiment throughout the State to bring about more favorable conditions for the building and operation of railroads. It is fortunate that this is the case, because all the indications point to a volume of traffic which will tax to their utmost capacity all the railroad facilities of this section. It is absolutely essential to the best interests of the State, agricultural, industrial, and commercial, that railroads shall be given as quickly as possible every opportunity to find new capital in order to increase their facilities over existing lines and to build much-needed branch lines. If it were not fairly well assured that more favorable legislation will put the railroads in shape to do this, then the situation in all this region would be considerably endangered by the certainty of transportation facilities being wholly inadequate to meet the growing needs of the State.

The pioneering work has been done, and the field has been cleared and made ready for much greater progress than that of the past. Every condition in every line of business except that of the purely town-lot speculation is preparing for a far-reaching advance.

One of the greatest changes that is now taking place in the industrial life of the Southwest is the practical transference to the Oklahoma field from Indiana and Kansas of the window-glass and bottle-making industry. This change is significant of what will follow in the near future in other lines of industry. The gas potentialities of Oklahoma are apparently almost without limit, and as far as is possible the people who dominate the gas situation are conserving this priceless fuel supply for utilization in home industry. It is estimated by competent authorities that when the glass-making plants now under construction are completed this section will make more than 80 per cent of the window and bottle glass produced west of the Mississippi River.

For a year or more the Frisco railroad people have been quietly but aggressively working to bring about this transference of the industry from the practically exhausted gas regions of some other States to this virgin gas field. The strength of the situation here is greatly increased by the large supplies of available coal which can be utilized in the years to come should the gas supply become partly exhausted, as elsewhere. So abundant, however, is the supply of gas, with wells in many places having a producing capacity of 5,000,000 to 25,000,000 feet per day, and rigid laws preventing the undue waste of gas, that it seems reasonable to look for a much longer life for this gas field than is usually anticipated in any gas region.

Indicative of the glass-making industry and the rapidity of its development, a large proportion of which is due to the work of the Frisco System's department of development, is the following list of glass plants now in operation or under construction:

Tulsa, Tulsa Glass Co., jelly glasses.
Sand Springs, A. H. Kerr & Co., fruit jars.
Sand Springs, Kelly Glass Co., lamp chimneys.
Sapulpa, Sapulpa Glass Co., window glass.
Sapulpa, Sunflower Glass Co., window glass.
Sapulpa, Premium Glass Co., lamps and jelly glasses.
Sapulpa, Schram Glass Manufacturing Co., fruit jars.
Okmulgee, Coffeyville Window Glass Co., window glass.
Okmulgee, Skelton Glass Co., window glass.
Okmulgee, Baker Bros. Glass Co., window glass.
Okmulgee, Graham Bros. Glass Co., bottles.
Blackwell, Oklahoma Glass Co., fruit jars.
Ponca City Glass Co., window glass.

The cash investment in these plants will be considerably over $1,000,000, and possibly will run to $1,500,000. The largest single plant is that of the Skelton Glass Co., which is under construction, and already has under roof about 8 acres. Dr. Skelton, the owner of this plant, a very large operator in oil and gas, as well as in industrial interests, states that when the plant is fully completed and ready for operation it will represent an actual outlay of at least $1,000,000. Based on this estimate of cost for this plant when completed, a total for all of these plants will considerably exceed the amount stated. The Skelton plant is being built for producing glass by patented machinery. A number of other glass plants are now negotiating with a view to locating in this section.

While the glass-making industry in this rapid development is of great importance not only in itself, but by reason of the fact that it is indicative of a trend of industrial interest to these almost limitless gas fields, the tremendous oil industry of the State is the spectacular thing of the day and likewise the great wealth and freight creator.

Up to the present time a large proportion of the oil produced in this State has been shipped out by pipe lines in its crude state to be refined elsewhere. Now there is a very rapid growth of the oil-refinery industry in Oklahoma, which will add vastly to the railroad traffic

and at the same time practically quadruple the value of every barrel of oil that passes from its crude form, through the refineries now in operation and now being erected, to the refined state. In some cases the value of the oil and the by-products will far more than quadruple the crude-oil value, but it is safe to say that every barrel of oil, on the average, which is now selling for 88 cents a barrel will, as it passes through local refineries, be increased in value to at least $4 as a minimum.

Last year this State produced in the neighborhood of 130,000 barrels per day, and a little more than a year ago the price was 50 cents per barrel. At the present time careful estimates make the production 165,000 barrels per day, while the market price is 88 cents a barrel. This will mean an increase of probably 10,000,000 to 12,000,000 barrels for the year, carrying the production of this year to largely over 60,000,000 barrels, as against 52,000,000 barrels last year. With this increase in production and an increase of nearly 100 per cent in price, this year's oil output will probably be at least double the value of last year's.

At the present time there are in operation two pipe lines carrying oil to Port Arthur and one to Baton Rouge, where the Standard Oil Co. has a large refinery. There are three pipe lines to the north owned by the Prairie Oil & Gas Co., formerly a subsidiary of the Standard and probably still controlled by the Standard Oil people. This Prairie company carries oil to Whiting, Ind., and it is there continued on its journey in the pipe lines of the Standard Oil Co. to Bayonne, N. J., a distance of probably 1,800 to 2,000 miles. There are four small pipe lines that carry oil to independent refineries in the north and to Kansas. The Magnolia company proposes to build another line from this field to a connection with its Texas line, in order to pipe oil to Beaumont for refining at that point.

The refineries now in operation or under construction include the following:

Chelsea, Chelsea Refining Co., 800 barrels daily capacity.
Vinita, Milican Refining Co., 1,000 barrels daily capacity.
Sand Springs, Phoenix Refining Co., 4,000 barrels daily capacity.
Sand Springs, Waters-Pierce Oil Co., 1,000 barrels daily capacity.
Tulsa, Constantine Refining Co., 1,000 barrels daily capacity.
Tulsa, Texas Oil Co., 5,000 barrels daily capacity.
Tulsa, Uncle Sam Oil Co., 6,000 barrels daily capacity.
Tulsa, Cordon Refining Co., 3,000 barrels daily capacity.
Sapulpa, Sapulpa Refining Co., 4,000 barrels daily capacity.
Okmulgee, American Refining Co., 3,000 barrels daily.
Oklahoma City, Oklahoma City Refining Co., 600 barrels daily capacity.
Big Heart, Southwest Refining Co., 750 barrels daily capacity.
Ponca City, Ponca City Refining Co., 5,000 barrels daily capacity.
Cushing, C. B. Shaffer, 3,000 barrels daily capacity.
Cushing, Brown Refining Co., 500 barrels daily capacity.
Cleveland, Cleveland Petroleum Co., 500 barrels daily capacity.
Muskogee, Muskogee Refining Co., 1,000 barrels daily capacity.
Muskogee, Cudahy Refining Co., 500 barrels daily capacity.
Coalton, Coalton Refining Co., 200 barrels daily capacity.

The Magnolia Oil Co. has secured an option on land at Oklahoma City with a view to build a refinery, and it is understood that it will be of large size.

It is estimated the last year local refineries took about 16 per cent of the oil production of the State, and that this year, with the large number of new big refineries under construction and included in this list, home refineries will take at the rate of 80 per cent or more of the enlarged production of this field.

Pittsburgh bankers and business men who recently came down to this section in a special train made the statement that since the beginning of the oil and gas development Pittsburgh had sold to these interests in Oklahoma $90,000,000 worth of machinery. When one sees a forest of well-drilling rigs and notes the almost numberless storage tanks and the vast supplies of piping and other equipment, he can readily believe that the Pittsburgh estimate of $90,000,000 is very conservative.

There are now about 23,000 to 24,000 producing wells in the State, and over 1,000 are now being drilled. About five carloads of material is required for every well put down. The general view of the most conservative men to be found in the State and the men longest identified with the industry is that this oil development will spread over a still wider portion of the State and give a very much larger production even than the magnificent totals of to-day. Prof. Gould, for many years the State geologist of Oklahoma, says:

"It is altogether probable that 50 years will elapse before all the oil territory will be discovered and possibly 50 years longer before the oil has all been taken from the ground. In addition to the vast deposits of oil and gas, Oklahoma contains, according to the estimates of the United States Geological Survey, 79,000,000,000 tons of coal. If ever Oklahoma's oil and gas are exhausted, the supply of coal will be ample for many generations. Those in position to know are of the opinion that Oklahoma has available nearly 2,000,000,000,000 cubic feet of gas per day. At the important gas centers glass-making industries and other manufacturing concerns are contracting for gas on the basis of 3 cents per 1,000 cubic feet, with slightly higher figures for small consumers. So great is the enthusiasm of Oklahoma for the establishment of industries that many towns are not only willing to make contracts for gas at 3 cents per 1,000 cubic feet, but add to this free sites and large cash bonuses to industries that will stand close investigation."

Added to this phenomenal activity in oil and gas and glass making, and the great advance in refining in the State, Oklahoma is this year blessed with a promise of the largest crops it has ever produced. Moreover, the introduction all over the State of silos which have been put in by thousands, and some say by tens of thousands, has saved the farming interests from the danger of droughts, for if a drought comes in the future it will be possible for a very large proportion of the farmers in the State to cut the growing crop and put it into silos for cattle feeding. This development is on so large a scale and is being so actively encouraged by the farmers who have tested it, and by bankers and railroads who are encouraging its introduction, that from an agricultural standpoint the future of Oklahoma is a much safer, sounder proposition than ever before.

A Commonwealth of almost limitless potentialities is here rounding into form.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GILLETT. Mr. Speaker, I wish to call the attention of the House to the extraordinary and, as I think, the unreasonable and extravagant delay in passing the sundry civil appropriation bill. It is now six weeks since that bill passed this House, and when it passed the majority of the House said that haste was so important and delay so dangerous that they looked back into the precedents and brought forth the most drastic rule they could find and limited debate on that great bill to only 40 minutes, because time was so precious.

It passed the Senate more than a month ago, and although minutes were so precious then that they could allow only 40 minutes' debate, yet those minutes have grown into hours and days and weeks and the bill still sleeps in the hands of the Senate committee. An editorial in a Washington paper a day or two ago complained that many citizens of Washington were embarrassed by the failure of that bill to pass. Very likely that will not impress very much the membership of this House, but it is a fact that not only citizens of Washington but the departments of this Government are very seriously embarrassed by the failure of these appropriations. The public-buildings appropriations are annually made in this bill. They are only provided for up to the 4th of March, and after that time they can not meet their contracts because of the failure of this bill. The river and harbor appropriations are in the same condition. I have been told that one important bureau of the administration is crippled and can not put its men to work because of the lack of these appropriations, and they say that the units of work will be doubled in cost because of this delay. Now, why is this delay? The ostensible reason is because the Senate refuses to agree to the House clause which cuts down the membership of the Board of Managers for the Soldiers' Home from 11 to 5. I personally believe that that is the real cause of the delay. It is whispered in private conversations, it is intimated in the press that there is another mysterious and secret reason; that it is because the President does not like to have the clause in this bill come before him which forbids certain funds to be used for the enforcement of the Sherman Act. Now, I confess I do not believe in that mysterious suggestion. I do not know anything about the opinion of the President on that subject. I do not know whether he has the courage of his convictions like his predecessor, but I can not conceive why procrastination is going to help him. I can not see why he needs six weeks to make up his mind, and therefore I do not believe that he instigated the holding up of this great bill in order for him to decide, and so I believe that the real reason is because the Senate is unwilling to cut down the board of managers from 11 to 5.

It is a small, petty, ridiculous question on which to hold up such a great bill, but it deals with patronage, with offices, and it has not been unheard of in the past for such questions greatly to interest the Senate. I have entire sympathy with the attitude of the House upon this question. I believe that it is in the interest of wise and economical administration that the board should be cut down from 11 to 5. The House has an additional reason, because the Senate already once receded. In the compromise last session over the last bill in which this clause existed the Senate objected to it, but under the "give and take" which comes in conference the Senate, in consideration of what the House yielded, yielded upon this question. But now the Senate is trying to hold to what they got without giving up any consideration for it. To be sure it was a Republican Senate then, but in fairness I ought to state that it yielded reluctantly, and I have never discovered any very serious difference between Republican and Democratic Senators on questions of patronage. So I think the Senate ought to yield and that this great administrative measure ought not to be held up because of this preposterous small issue.

The SPEAKER. The time of the gentleman has expired.

Mr. GILLETT. I would like to have two minutes more.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that he may have two minutes more. Is there objection. [After a pause.] The Chair hears none.

Mr. GILLETT. Now, Mr. Speaker, I have understood that some members of this board of managers who are going to lose their positions have been active in trying to keep them. In fact, if I was disposed to state what I only know on hearsay, if I was disposed to state as a fact what I was unwilling or unable to prove by testimony, I might say that an insidious lobby was at work on the side of the Senate proposition. But I do not care to say that. Only it does seem to me——

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

Mr. GILLETT. I can not yield to the gentleman.

The SPEAKER. The gentleman from Massachusetts declines to yield.

Mr. GILLETT. But it does seem to me that the President of the United States, who has not shown any great reluctance to impress his opinions upon either branch of Congress, who has been widely advertised as coming up to the Capitol to discuss

with Senators matters of patronage, it seems to me as if he might, when he is there distributing spoils, drop a word here and there as to the importance of this bill passing.

Of course, it is not as pleasant to suggest to Senators to relinquish patronage as it is to give them patronage; but, after all, the bitter ought to go with the sweet. The needs of the country ought to be considered as well as the needs of Senators, and the President should, it seems to me, not only be active in dispensing patronage, but should also, when it is important to the country, use his influence toward diminishing patronage. It seems to me it is a reproach to the majority party, a reproach to the Democratic House and Senate and President, that this great bill, which every department of the Government is urging should pass, should be longer delayed by a little insignificant matter of patronage, and the Democratic Party in both Houses ought to see to it that some conclusion is reached on this important matter.

Mr. ANTHONY. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Kansas rise?

Mr. ANTHONY. Mr. Speaker, I ask unanimous consent that the gentleman from Massachusetts [Mr. GILLETT] be given five minutes more time, so that I may ask him a question.

The SPEAKER. The gentleman from Kansas [Mr. ANTHONY] asks unanimous consent that the gentleman from Massachusetts [Mr. GILLETT] be granted five minutes more, so that he can interrogate him.

Mr. SHERLEY. Mr. Speaker, I suggest that the gentleman from Kansas [Mr. ANTHONY] take his own time.

Mr. ANTHONY. All right. I ask unanimous consent for five minutes.

The SPEAKER. The gentleman from Kansas [Mr. ANTHONY] asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. ANTHONY. Mr. Speaker, I am surprised that the gentleman from Massachusetts [Mr. GILLETT] has spoken upon the question to which he has just addressed himself with so little apparent information, although I understand he is one of the conferees that have had these questions before them between the two Houses. I am surprised at the statement he has made that an insidious lobby has been at work here in the effort to prevent the cutting down of the membership of the boards of soldiers' homes from the present number to seven members.

Mr. GILLETT. The gentleman will notice that I did not say "insidious lobby."

Mr. ANTHONY. Well, that is what we have been speaking about. Lobbies are always "insidious" if they are against you. The only lobby that I know of that has been at work here on this matter has been a lobby headed by former Members of this House in the effort to cut down the membership of the soldiers' home board, and I want to say, for the information of the gentleman, that in my opinion one of the cheapest pieces of politics ever played on the floor of this House is embodied in that little rider which was put in the sundry civil bill in order to cut down the membership of the soldiers' home board from 12 to 7. Its real purpose is to center the control of that board into a little handful of men. It is in order to place the power or control of the Board of Managers of Soldiers' Home in the hands of a few men who have influence apparently with the Committee on Appropriations. That is a fact. The Committee on Appropriations ought to be ashamed to tie up the great sundry civil appropriation bill as long as it has on that flimsy pretext, and the conferees instead of playing petty politics on the bill should try to agree upon it and pass it and relieve the conditions into which they are plunging the country.

As a matter of fact out my way Uncle Sam is engaged in standing off his creditors to-day, and has been doing so for eight months, simply because you will not pass this bill. The thing to do is to waive the questions of petty politics and leave the law as to the Board of Managers of Soldiers' Home to stand as it is. The Senate is right in its contention.

Mr. BARTHOLDT. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. BARTHOLDT. I wish to ask unanimous consent to extend my remarks in the RECORD for the purpose of printing a statement of Mr. Edwin D. Mead, giving the utterances of several Presidents of the United States on the subject of international peace.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, whatever may be the motive actuating other Members of the House relative to the reduction in the membership of the Board of Managers of the National Home for Disabled Volunteer Soldiers, there can be no misunderstanding of the position of the gentleman from Kansas [Mr. ANTHONY] who has just spoken. His hostility to the present control of the board of managers and against reducing it, so as to eliminate certain members from it, is due to the fact that certain men on that board, who have given their time and attention and energies to attempting to make it an efficient board, have declined to permit the gentleman from Kansas to persuade them to burn coal from his district at the home in his district instead of oil, which is used at a considerable saving, as has been demonstrated from time to time.

He has twice endeavored to persuade the House to overrule the control of the board and the recommendation made by the Committee on Appropriations, in order that those in whom he is peculiarly interested may have a chance to sell coal to the soldiers' home. He has failed on both occasions, and now he criticizes the members of the Committee on Appropriations for not yielding to the Senate in this matter, although the House, after the matter had been a number of times thrashed out, insisted upon inserting in the bill the provision to reduce the number of members of the Board of Managers of the Soldiers' Home.

Now, what are the facts, Mr. Speaker? The Board of Managers of the National Soldiers' Home consists of the President and the Chief Justice of the Supreme Court, and one or two others, ex officio, and 11 members. There are 10 branches. For a number of years this branch of Congress in its investigations has come to the conclusion that under the system in vogue inefficiency results from a membership of 11 upon the Board of Managers of the Soldiers' Home, and several times the House has inserted a provision in the sundry civil bill reducing the number from 11 to 5.

A few years ago the Senate refused to yield because some vacancies were about to take place. Those vacancies occurred in 1912. In order to take care of the vacancies about to occur, the Senate refused to acquiesce in the attempt to make this reform, and the membership was continued at its then size. At the last session of Congress the House determined again to reduce the number to five. There were a number of items in controversy in the sundry civil bill, and in the adjustment of the differences between the two Houses the Senate yielded upon this item. When Congress convened in extraordinary session, a month or two ago, several heads of departments addressed communications to me, suggesting that certain items inserted by the Senate in that bill and agreed to by the House in the adjustment of differences should be eliminated. They did not want these items. They did not approve them. They would not recommend them. And yet the House, believing that it was proper to continue its acquiescence in the adjustment of differences that had to be made between the two Houses, passed the bill in the form in which it had been agreed upon.

Then the Senate took a different attitude. It had in the bill everything for which it had contended, and it attempted then to take back one of the things it had yielded in order to obtain what it more particularly desired. The result is that difference still exists between the two Houses.

The gentleman from Kansas [Mr. ANTHONY] says it was the meanest piece of politics he has ever seen. It was peculiar politics for the Democratic House to reduce the membership in a board when it would have the opportunity to participate with a Democratic Senate in filling the places and would have eliminated any possibility of the gentleman from Kansas having any say whatever as to those who should be put on the board to fill the vacancies. Four vacancies will occur in 1914. Three exist now. Unless this provision be insisted upon, the membership of the board would be continued at 11 for about six years longer, and any attempt to make any reform or to increase the efficiency of the board would be futile.

Last winter, Mr. Speaker, the Senate appointed a subcommittee to investigate the Pacific Branch of the National Soldiers' Home at Santa Monica, Cal., and the report of that subcommittee was to the effect that the management of the home was so inefficient and the conditions so intolerable that that home should be transferred from the jurisdiction of the board of managers to the War Department. But still the Senate insists upon continuing the membership of this board at its present size.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FITZGERALD. I ask for two minutes more, Mr. Speaker.

The SPEAKER. The gentleman from New York asks unanimous consent that his time be extended two minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, every attempt to effect a reform by abolishing or eliminating useless officials meets with opposition in some place or another. This House will recall that for more than 10 years it struggled and struggled in an attempt to abolish useless pension agencies throughout the country and to consolidate the payment of pensions in one agency here in Washington, effecting a great reform and increasing the efficiency of the service. In the last Congress this House asserted its power and served notice upon the Senate that it would have that reform or it would never consent to the pension appropriation bill. So far as I am concerned personally—and I hope that is the attitude of this House—having time after time proposed this reform and always being met by the same opposition, due to the desire of some particular individual to cling to an office which he does not fill with any degree of efficiency, I hope the House will now, before this session ends, serve notice on the Senate that it intends to effect this reform at this time and that it will not consent to yield its position in order to have the sundry civil bill become a law. Whenever the Senate is ready to live up to its agrement and to keep it, then the bill can become a law. Let the responsibility be placed upon those who are holding up the bill. Let us know who they are. Let them come out in the open. Let us know their reasons, and then the country can determine upon the propriety of their action.

Mr. BUCHANAN of Illinois. Will the gentleman yield for a question?

The SPEAKER. Does the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. BUCHANAN of Illinois. Has the gentleman any information as to the treatment of the inmates of the old soldiers' homes? I will ask the gentleman if the sanitarium for old soldiers in South Dakota is under the control of this board?

Mr. FITZGERALD. It is.

Mr. BUCHANAN of Illinois. The reason I ask that question is that I received a letter yesterday from an inmate of the sanitarium at Hot Springs, S. Dak., protesting against the treatment that the inmates of that sanitarium are receiving, claiming that the tenants there have been guilty of brutally beating inmates. I do not know whether there are any grounds for this statement or not.

The SPEAKER. The time of the gentleman from New York has again expired.

Mr. BUCHANAN of Illinois. I ask unanimous consent that his time be extended three minutes.

The SPEAKER. The gentleman from Illinois asks that the time of the gentleman from New York be extended three minutes. Is there objection?

There was no objection.

Mr. BUCHANAN of Illinois. This letter that I received from a citizen of my district asks to have an investigation made. If there is any foundation for the statement he makes, it certainly ought to be investigated, because he makes the statement that inmates of that sanitarium are brutally treated and neglected.

Mr. FITZGERALD. I should be very much shocked to have it shown that there was any justification for such a statement. The Battle Mountain Branch of the soldiers' home in South Dakota is one to which it has been the practice of recent years to send those who are entitled to membership in the soldiers' homes who are suffering either from tuberculosis or some other disease of a most serious character. I doubt very much that the management of the home was such that any of the inmates could be beaten or brutally treated. There are no guards over them, and these men are not under any surveillance of that character. They have certain police regulations.

Sometimes there are complaints from the inmates of homes because of the character of the food and treatment they receive. Many of those complaints are hardly justified. The men who apply for admission to the homes are well up in years. It is not easy to administer to their wants. They have requirements that younger men do not have. They need care that younger men do not need, and it is very easy to irritate them. Frequently complaints come that investigation shows do not justify the indictment made against the administration of a particular home. In other instances there have been complaints of conditions which have shown that there should be improvement in the control and management.

If I received such a communication as that mentioned by the gentleman from Illinois, I would send it to the president of the board of managers and ask that the matter be inquired into. I am quite certain that an investigation would be made to determine whether conditions are such as are indicated.

Mr. BUCHANAN of Illinois. Will the gentleman tell me who the president is?

Mr. FITZGERALD. Yes; the president of the board is Mr. Wadsworth, who was for many years a Member of this House, and I can later give the gentleman the address of the board, where their office is. I would doubt if it were possible that the management of the home was such that men would be beaten. I doubt if any such conditions could exist in any of the homes. I would not wish to do an injustice to this board by intimating any such thing.

Mr. BUCHANAN of Illinois. I did not want to do an injustice to the management, but I wanted to know how I could find out whether there were any grounds for the statement made in this letter.

Mr. FITZGERALD. I would send it to the board, and later I will give the gentleman the address.

Mr. BUCHANAN of Illinois. If these statements are true, the manager of that sanitarium ought to be prosecuted.

Mr. FITZGERALD. I agree with the gentleman.

Mr. STEENERSON. Will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. STEENERSON. What is the salary of these men?

Mr. FITZGERALD. They receive no salary.

Mr. STEENERSON. It is an honorary position?

Mr. FITZGERALD. They receive their expenses, but they are not under salary.

COMMITTEE ON EXPENDITURES IN DEPARTMENT OF COMMERCE.

Mr. ROTHERMEL. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 168.

Resolved, That the Committee on Expenditures in the Department of Commerce is hereby authorized to have such printing and binding done as may be necessary for the transaction of its business.

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

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Pennsylvania if this committee had that authority in the last Congress?

Mr. ROTHERMEL. The Committee on the Department of Commerce and Labor had that authority, but since that time the committee has been divided.

Mr. BURKE of South Dakota. I am asking if that committee had the authority in the last Congress?

Mr. ROTHERMEL. It did.

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

There was no objection.

The resolution was agreed to.

LIMIT TO LOBBYING.

Mr. MURRAY of Oklahoma. Mr. Speaker, I ask unanimous consent to address the House for 10 minutes on the subject of lobbying.

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to address the House for 10 minutes on the subject of lobbying. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY of Oklahoma. Mr. Speaker, I desire to send to the Clerk's desk a resolution to be read as the basis of my remarks, and after the reading I shall place it in the box to be referred to the proper committee—the Committee on Rules.

The Clerk read as follows:

A resolution to amend the House rules placing a "limit to lobbying."

Be it resolved, etc., That the rules of the House be amended so as to include the following provisions, which shall be known as—

"RULE XLII.

"LIMIT TO LOBBYING.

"SECTION 1. It is hereby declared to be against public policy and against the best interests of the people for any persons employed for a pecuniary consideration to act as legislative counsel or legislative agent for any person, corporation, or association to attempt personally and directly to influence any Member of the House of Representatives to vote for or against any measure pending therein, otherwise than by appearing before the regular committee thereof when in session or by newspaper publication or by public addresses or by written or printed statement, argument, or brief delivered to each Member of the House: *Provided*, That before delivering such statement, argument, or briefs 25 copies shall first be deposited with the Clerk of the House of Representatives and be subject to inspection, together with a statement of the age, the name of the agent, attorney, or counsel, and his or her principal, the amount of salary, if any, paid for such service, and, so far as practicable, a statement of the subject matter of any bill, if pending, or any legislation sought to be enacted; and no officer, agent, appointee, or employee in the service of the House or of the Government shall attempt to influence any Member of the House to vote for or against any measure pending therein affecting the pecuniary interests of such person, excepting in the manner authorized herein in the case of legislative counsel and legislative agents.

"SEC. 2. No person shall be an officer of the House or continue in its employment who shall be an agent for the prosecution of any claim

against the Government or be interested in such claim otherwise than as an original claimant; and it shall be the duty of the Committee on Accounts to inquire into and report to the House of Representatives any violation of this section.

"SEC. 3. In case of violation of the provisions of sections 1 and 2 of this rule, the offender shall be deemed in contempt of the dignity of this House of Representatives and finally excluded from the Hall of the House of Representatives and from all committee rooms, and his name be posted in writing on the excluded list at the main entrance to the Hall of the House of Representatives; and any Member of this House thereafter willfully and knowingly communicating with such offender before final adjournment of this House shall likewise be deemed in contempt of the dignity of this House and subject to reprimand at the bar of the House in open session by the Speaker."

Mr. MURRAY of Oklahoma. Mr. Speaker, we have heard much of insidious and other lobbies until there is a likelihood of an improper method of dealing with this subject. The proposed rule which I have had read was the rule of the Oklahoma constitutional convention, over which I had the honor to preside, which convention is the pathfinder in progressive constitutional government. Nowhere, at no time, was that convention ever controlled or influenced by any dangerous lobby. There are those who would tell us that we should have a statute on this subject. Statutes, blind as they may be, might subject a citizen to a criminal prosecution that would be cruel, harsh, and unjust.

I concede that a right kind of a lobby is not only not wrong but extremely wholesome. No man who ever experienced the responsibility of legislation would deny that sometimes a lobby is absolutely necessary. I remember distinctly in that convention that we had every citizen represented except one. We had coal operators and the coal miners, the great oil operators, the laboring men, the merchant, the banker, the lawyer, the teacher, the minister of the gospel, the medical doctor, and every class of citizen except one—the dentist. The dentist did not maintain even a lobby, and when we came to write the schedule we absolutely put the dentists on one side of that State out of business, due to our ignorance of their needs. But for the fact that it was discovered before the final print, it would have been a hardship against that class of citizens.

I want to say to you now that all law and government must be founded on the conditions of the governed, and no man either in this House or in the other knows, or whoever has sat in either knew, all of the conditions of every business and every profession. No law can be as broad as the Republic that does not take into consideration every citizen in the Republic, and we must get much of that information from those who by experience in daily life understand best their own conditions.

I remember again in the first legislature of our State, over which I presided as speaker, a bill had passed the senate by unanimous vote and was backed by a labor lobby before the senate. The labor lobbyist was a miner. The bill sought to govern labor interest on the railroad. It provided in two simple sections that every locomotive operated in that State should be equipped with an electric headlight of 1,500 candlepower, capable of producing a light 70 rods, without the aid of a reflector, followed with a criminal provision for its violation.

I could see the general purpose of the bill to be to prevent wrecks and protect human lives, but I did not think the labor leader who requested the passage of this law knew the specific wants of railroad men. I knew that I did not know. I did not believe the senate knew about it. I walked down to the switch yard one day and said to an old Paddy, "I want to read you a section of law." He said, "Begorra, who are you?" I said, "This is Speaker Murray, Pat." He said, "All right." I read the first section, and old Pat began to pull his hair and he said, "If you pass that into law I will resign my job." I said, "What is the matter with it?" and he said, "Everything." I said, "I conceive the object is to prevent wrecks and to save life and property." "Yes, that is true; but does it not say every locomotive?" I said, "Yes"; and he said, "Now, suppose I am standing here in this switch, and some night a switch engine is here and one is down there, and they would proceed to meet me with these powerful lights, and I would not know whether it was on the track or not." I could see that, and I said, "What kind of an engine do you call this?" He replied a switch engine, and I asked, "Are there any other that ought not to be equipped with this light?" and he responded that a "dead" engine ought not to be equipped with it. I asked him what was a dead engine, and he said it was one going in for repairs. I then asked him if there were any other, and he said that there were; that engines operating wholly in the daylight ought not to be required to be equipped with this light. "Any other?" I asked him, and he said no. I went back to the office and dictated a proviso to the first section: "*Provided, however*, That switch engines, dead engines, and engines operated wholly in the daylight should not thus be required to be equipped," and I submitted that to the house. The proviso prevailed, and it was accepted by the senate.

I submit that to you, that but for the fact of that old Irishman lobbying unwillingly we would have done even the labor man an injustice; and so I say to you the man who undertakes to say that he knows all there is about life, which is the basis of legislation, is the biggest fool that ever attempted to rule a people or to legislate for them. [Applause.]

Old Solon, the world's greatest lawgiver, uttered the greatest truth of all times when, in reply to a question, "Have you given your people the best laws?" he said, "No; I have given them the best they are fitted to receive." Laws are for the period or the times, and laws must be made to meet the desires, the wishes, and the conditions of the people, even their sentiments, their heart throbs, and their social and sociological needs. When law or government is founded upon this principle it is wise, and without taking into account every citizen in the Republic we will fall short of meeting that requirement.

Now, instead of a law, why a rule? Because the House can then enforce its rules without depending, as it would be obliged under a statute, upon jurors and courts. Again, it could determine the offense, whether it was aggravated or not, and yield where lenience is required and extend punishment where that is required. I say to you that no lobby, it makes no difference what the question may be, who comes in the open and discusses the proposition in the open is a danger. Some politicians were astonished at me in the first legislature of our State when I deliberately asked Mr. Winchell, of the Rock Island Railroad, to come before the committee and tell the committee and the house what the railroad people wanted. I said that there was a community of interest between the railroad and the people if they would be fair with each other. And I said to Mr. Winchell, "We want to hear you. You can not buy us, and your representatives, when proposing to buy, will defeat your purpose. But if you will come and state in a reasonable way and by argument, and meet us face to face and on a fair, open plane, this legislature will give you what you are entitled to, and I will personally back whatever is right for your company. But, remember, you can not buy anything, and you must not try it." I hope to see the day come when railroad lobbyists or paid lobbyists of any kind will cease and that the great interests will come before the committees and before Congress and in the open and to the public say, "We want this, and we will show you why it is right"; and whatever is right, whether it be demanded by a laboring man or by men of wealth, should be enacted into law.

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

Mr. MURRAY of Oklahoma. Mr. Speaker, may I ask just two minutes longer?

The SPEAKER. The gentleman from Oklahoma asks unanimous consent to proceed for two minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MURRAY of Oklahoma. Mr. Speaker, I would draw, under this resolution as a proposed amendment to the rules, a method whereby the lobbyist could be registered and known, and the Members would know whom he represents, what he represents, what special legislation he is seeking to favor or defeat. There is no wrong in an open, fair, free discussion of any proposition anywhere. The insidious lobby is not the lobby that is trying to get what is their right in a fair, honest way, but is trying to do it in an improper way, or to get something he knows to be wrong.

I would welcome my constituents; and but a few days ago the farmers down on the Big Pasture, who had bought property from this Government, felt that they had paid too much and that they were unable ever to pay for it; they came to us and we called our delegation together, listened to them patiently, and in that we were doing our duty and they were better enabled to tell us their side than we could get it by any other means. So let us draw a distinction between an honest lobby and a dishonest lobby; a helpful lobby and a lobby that hinders and prevents. When we do that we can do it by a simple rule, as the Oklahoma constitutional convention did, the pathfinder, as I said in the beginning, of all progressive constitutional governments—it stood straight against all jests, gibes, all ridicule, all abuse, all vituperation and villainous slander of the corporate press, backed by a partisan judiciary in the very dawn of progressive government. When the road was hard to find and statesmen in other parts of the world were halting in doubt, groping in the dark in search of the road, Oklahoma pointed the way. [Applause.]

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that I may address the House for one hour.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that he may address the House for one hour.

Mr. STEENERSON. Mr. Speaker, reserving the right to object, I would like to say I would like to have half an hour after the gentleman concludes, to speak on the subject——

Mr. PAYNE. I would suggest to the gentleman that he put it on a separate footing.

Mr. STEENERSON. I desire to ask for 30 minutes at the conclusion of the gentleman's remarks.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] asks unanimous consent to address the House for one hour and the gentleman from Minnesota [Mr. STEENERSON] asks unanimous consent to address the House for 30 minutes. Is there objection?

Mr. MURDOCK. Mr. Speaker, reserving the right to object——

The SPEAKER. The Chair will put the request of the gentleman from Wyoming separately. Is there objection to the request of the gentleman from Wyoming?

Mr. BURKE of South Dakota. Mr. Speaker, reserving the right to object, I desire to inquire if there will be any other business brought up after the gentleman concludes, in case this request is granted?

The SPEAKER. The Chair knows of none. There were two gentlemen trying to get the eye of the Speaker when he put these requests.

Mr. BURKE of South Dakota. Then I suggest, Mr. Speaker, that the gentleman from Wyoming withhold his request until such matters as the Speaker may desire to have considered be disposed of.

The SPEAKER. The Speaker does not desire to have any business considered, but there were two gentlemen up with papers in their hands.

Mr. MONDELL. Mr. Speaker, I submitted my request thinking the business of the House had been disposed of; I will withhold it.

The SPEAKER. The Chair does not think there is any business except requests for printing, but, of course, he does not know.

Mr. MONDELL. I will be glad to withhold my request.

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

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. BRITTEN. Mr. Speaker, I desire to present the following resolution of the Chicago Association of Commerce, which is self-explanatory:

THE CHICAGO ASSOCIATION OF COMMERCE,
Chicago, June 2, 1913.

Hon. FRED A. BRITTEN,
House of Representatives, Washington, D. C.

DEAR SIR: At a special meeting of the executive committee of this association, held on Monday, May 19, certain proposed changes in the customs administrative law, as provided in tariff bill H. R. 3321, now pending in the United States Senate, were thoroughly considered and discussed, with the result that the following resolutions were unanimously adopted for presentation to Congress by a special committee:

"Whereas the tariff bill which has recently passed the House of Representatives and is now before the Senate (H. R. 3321) contains administrative provisions which will, if enacted into law, inaugurate new and far-reaching changes in the administration of the customs laws; and

"Whereas no opportunity has been given merchants, importers, or the public at large to present their views as to these proposed changes or to present evidence as to the manner in which the proposed changes will affect the carrying on of business: Be it

"Resolved, That the Chicago Association of Commerce respectfully urges that the proposed changes in the administration of the customs laws of the United States is a matter which deserves great consideration and in the determination of which the Senate and House of Representatives may be more fully informed by hearings, at which may be submitted complete information as to the proposed changes and the effect on the business interests of the country, and to further urge that the proposed change in the administration of the customs is not a matter of party policy; and be it further

"Resolved, That the Chicago Association of Commerce respectfully urges that before the proposed changes in the manner of administering the customs laws of the United States be enacted into law full opportunity for hearings be allowed at which the views and evidence of the public at large, importers, and merchants of the country may be submitted; and be it further

"Resolved, That a copy of these resolutions be forwarded to the Senators from Illinois, the Representatives in Congress from Cook County, Ill., and to the chairman of the Finance Committee of the United States Senate."

Very truly, yours,

THE CHICAGO ASSOCIATION OF COMMERCE,
By HOWARD ELTING, *President.*

Mr. J. R. KNOWLAND. Mr. Speaker, I make the same request, to extend my remarks in the RECORD.

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

Mr. J. R. KNOWLAND. Mr. Speaker, the article I desire to place in the RECORD is one which appeared in the American Lumberman April 26, 1913, written by Hon. WILLIAM E. HUMPHREY, of the State of Washington, upon the question of American rights at Panama.

The following is the article:

PANAMA CANAL TOLLS—CLEAR RIGHTS OF AMERICAN INTERESTS.

WASHINGTON, D. C., *April 16.*

EDITOR OF AMERICAN LUMBERMAN: I have read the article in reference to the Hay-Pauncefote treaty in its bearing upon the Panama Canal, by Mr. W. A. McLean, which you submitted to me for the purpose of verifying some of the statements made therein. I have taken the liberty to reply to this communication.

Not knowing Mr. McLean, I assume that he has no selfish motives in view and that he is actuated entirely by patriotic purposes. It seems to me that he makes the mistake that is generally made by those who take his side of the question, of assuming that the Hay-Pauncefote treaty is in full force and effect, and by further assuming that under that treaty we agreed to treat the vessels of other countries the same as we treat our own—an assumption that, in my judgment, is entirely erroneous and not in accordance with the facts.

Starting with this assumption, Mr. McLean proceeds to make some rather ill-tempered criticisms about this country violating its sacred treaties, etc. The criticism that I would make of Mr. McLean and those who have taken a similar position is that I think that they show entirely too much eagerness to condemn and criticize their own country and to uphold the position of other nations. They should at least make some effort to obtain the real facts before engaging in such unrestricted denunciation.

He says, "But on the first evidence of such action Great Britain did object in a courteous, dignified, and most firm manner," referring to her protest against the violation of the treaty. Apparently Mr. McLean has not read the protest made by Great Britain and does not know the ground of her contention. She says now that we had no right to make our treaty with Panama, and it is true that if the treaty had been broken at all it was broken when we made our treaty with Panama, almost 10 years ago. Yet Great Britain now protests that we then violated the Hay-Pauncefote treaty, although for 10 years she has stood by in silence and seen us expend millions of dollars in prosecuting this great work. According to every law of justice and equity Great Britain is forever estopped to dispute our right to do what we did.

Further, Mr. McLean says that a child can understand the treaty. Perhaps this may be so, but certainly a child could not understand it without reading it, and also the other treaties relating thereto, which Mr. McLean admits he has not done.

A treaty is a contract—nothing more nor less. It is construed by the ordinary rules of law governing contracts. It is a rule of international law as well as common law and of common sense that the parties to a contract make such contract with a view to the conditions that exist at the time that such contract is executed and as to such conditions as could be reasonably anticipated at the time. This proposition is so plain that it needs no amplification. Apply this rule to the Hay-Pauncefote treaty. When we made the Hay-Pauncefote treaty, Great Britain and the United States, as well as the other nations of the world, believed that we would construct the canal on foreign soil. Will any sane man contend that at the time the Hay-Pauncefote treaty was made it was contemplated by either Great Britain or the United States, or could have been contemplated by either of them, that Panama would rebel, become a separate nation, and that we would purchase the strip from Panama upon which we would build the canal and then construct the canal, as we have done, not upon foreign but upon American soil?

It seems to me that the very statement of the case alone would convince anyone that, as the conditions have entirely changed, the Hay-Pauncefote treaty at once became voidable at the option of either party and that the treaty with Panama did in terms violate the Hay-Pauncefote treaty. It took 10 years and the urging of the Canadian Pacific Railway before Great Britain had the assurance to contend that we did not have that right, and no other nation in the world has yet had the assurance to make any such assertion. If we had owned the Panama Canal strip at the time of the Hay-Pauncefote treaty, does any sane man suppose that we would have entered into any treaty whatever about what we should do in regard to constructing the canal on our own soil? Can anyone pretend to believe that if Great Britain and not the United States had made this treaty with Panama and the canal strip had been British soil instead of American soil Great Britain would have permitted the United States to construct the canal upon British soil under the terms of the Hay-Pauncefote treaty, giving to the United States the right to regulate such canal, to fortify it, and to protect it, and to use it for military purposes? The statement of these questions alone conclusively ends the whole controversy about our violating the Hay-Pauncefote treaty, for the terms became voidable at the option of either party, and if the United States has seen fit in any way to violate any of its terms she had a perfect right so to do, as I have already pointed out, and Great Britain for almost a decade, by her silence, has admitted our right so to do.

I feel that I am stating the facts conservatively when I say that had it not been for the action of the transcontinental railways, and especially the Canadian Pacific Railway, Great Britain or no other nation would ever for a moment have questioned our right after our treaty with Panama to do with the canal whatever we saw fit. It is especially significant that we heard no protest against our using the canal in any way that we wished, so far as our own ships were concerned, until we placed a provision in the Panama Canal act which prevented railroad-owned ships from passing through the canal. This provision, being broad enough to apply to the Canadian Pacific Railway, is, in my judgment, the sole cause of the present agitation for a repeal of the clause in the present law permitting American ships in the coastwise trade to pass through the canal without the payment of tolls. I do not deem it necessary to argue this proposition further, because it seems to me that it is perfectly clear that if we have violated the Hay-Pauncefote treaty we had a perfect right to do so, and that we are not legally or morally or from the standpoint of natural justice in any way bound to observe it.

But in order to answer Mr. McLean further, let it be assumed that the Hay-Pauncefote treaty is in full force and effect. Even then have we violated any of its provisions? The part which he quotes is a rule made by the United States and not by Great Britain and the United States. The wording of the treaty is, "The United States * * * adopts these rules." That is, the United States, the owner, the builder, the one that has paid for the canal, and the one that will govern it

and protect it in time of peace and in time of war, stands upon one side, the rest of the world upon the other, and the United States says, "This is my canal and all of you that observe my rules will be treated upon terms of entire equality." Does that mean that the United States agrees to treat all the other nations in the same way that she treats herself in regard to her own property? If this is true, then the United States must ask the other nations also upon what terms we may pass our naval vessels through the canal in time of war. She must ask them upon what terms she can take troops upon the canal. If this contention be true, then a hostile nation would have the same right and could pass her fleet through our canal upon the same terms to attack and destroy us that we could pass our fleet through to protect ourselves. For, remember, the treaty is exactly the same in regard to vessels of war that it is in regard to vessels of commerce, for the wording is, "vessels of commerce and of war." If Mr. McLean is correct, then, in the name of the American people, what did we construct the canal for anyway? Suppose that Mr. McLean owned a ferryboat running across the Ohio River, and he would post up rules in regard to the running of that boat, and that rule 1 would read, "All passengers paying $1 shall be permitted to cross the river on this boat." Does that mean that Mr. McLean, the owner, the proprietor of the boat, should pay to himself $1 every time he crosses the river in his own vessel? I contend that such construction is not the construction ordinarily given to the English language. I contend that even if the Hay-Pauncefote treaty is in full force and effect we had never agreed to treat the other nations as we treat ourselves, but have simply agreed to treat all other nations alike.

But if it will strengthen his case any, admit that the Hay-Pauncefote treaty is open to the construction that Mr. McLean places upon it. Even then we have not in the slightest degree violated the terms of the treaty by passing our vessels through the canal in the coastwise trade free. This exact point has been conclusively settled and is no longer open to dispute, both Great Britain and the United States agreeing upon this proposition. For 100 years we have had a treaty with Great Britain which says: "That no higher or other duties or charges shall be imposed * * * in the ports of any of His Britannic Majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels." Yet, notwithstanding that treaty, which is in full force and effect, and which is much stronger and more specific than the Hay-Pauncefote treaty, Great Britain has always claimed and exercised the right to charge American vessels higher and other duties in British ports than she charged British vessels in the same ports. And to-day if an American vessel and a British vessel of exactly the same character enter a British port the American vessel pays a third higher charge than the British vessel. Great Britain exercises this right because she says that a treaty with other nations does not include the domestic trade of either party to the treaty. Does it now lie in her mouth after having followed this practice for a century to attempt to claim that we have violated the treaty for doing the same thing? If it be true that we would violate the Hay-Pauncefote treaty by passing our vessels through the Panama Canal without payment of tolls, even if that treaty is in full force and effect, then Great Britain has violated her treaty with us every day since 1815. This exact question, as I have said before, is no longer open to argument or conjecture, for it was decided by the Supreme Court of the United States in the case of Olsen *v.* Smith (159 U. S., 332), in relation to the treaty above quoted, where we make the same agreement in regard to the treatment of British vessels in American ports that Great Britain makes with us in regard to the treatment of American vessels in British ports. In this case the Supreme Court of the United States followed the contention of Great Britain that domestic trade was not included in a treaty, and that we had the right to do anything we saw fit with our domestic trade, and that Great Britain could not complain because it did not in any way concern her, for she could not under any circumstances engage in our coastwise trade, and therefore could not be discriminated against by anything that we might do. That case of Olsen *v.* Smith, by the highest judicial body in the world and by the proper one to pass upon the question, forever disposes of the exact point involved in this controversy, whatever view may be taken of the Hay-Pauncefote treaty.

Mr. McLean also asks the question: "Take for example: A vessel loaded at Seattle, Wash., for New Orleans, La., according to your contention, should have the free use of the canal; a vessel loaded at Vancouver, British Columbia, for Halifax, Nova Scotia, according to your contention, should pay. Is this free and equal to all nations of the earth and without discrimination?" Of course this is free and equal treatment to all the nations of earth, because any vessel that makes any one of these voyages, no matter what nationality, would have to pay exactly the same tolls. No vessel but an American vessel would be permitted to make the trip from Seattle to any other American port. Mr. McLean makes the mistake of contending that we must treat the vessels of other nations the same as we treat American vessels engaged in coastwise trade, but as heretofore pointed out, both Great Britain and the United States have decided that no such thing is contemplated by any treaty. And I deem it unnecessary to argue that point further.

Mr. McLean says, "Are you aware that when this treaty was being framed, a clause exempting American vessels was actually written but not embodied in the negotiations, the authors well knowing that the treaty in such form would not be accepted by Great Britain?" This statement is entirely erroneous.

He is especially unfortunate when he refers to the Welland Canal. The right to use that canal is a reciprocal right entered into in the form of treaties after considerable negotiations. American vessels are permitted to use the Welland Canal only because British vessels are permitted to use the "Soo" Canal.

If Great Britain was to construct a canal across Nicaragua and then say to the United States "you can pass your vessels free through our canal if you will permit us to pass our vessels free through your canal," then we would have the exact situation we have on our northern border. But in reference to the Panama Canal Great Britain is now declaring that while we own the canal, control it, and will have to pay for it and be responsible for it, that she should get the same use of it that we do, without paying anything or bearing any of the burdens. This is neither common sense nor justice, and the American people will never submit to any such proposition, nor is there anything in the Hay-Pauncefote treaty that obligates us to do anything of the kind.

This disposes of all the questions raised by Mr. McLean except one, where he declares that we should arbitrate this question. I deny that there is any justice in his position. In the first place, we are asked to submit our case to a prejudiced court—to a jury packed against us. In the next place, our arbitration treaty says that we are under no obligations to submit questions that involve our national honor or independence or "that concern the interest of third parties." I think this question vitally affects both the honor and the independence of the United States, but however we may argue upon that point, there can be no question that it concerns a third party—Panama, for one of the protests that Great Britain makes after waiting 10 years is that we have violated the Hay-Pauncefote treaty by permitting Panama to pass her vessels through the canal free, although Mr. McLean apparently did not know this. If the Hay-Pauncefote treaty is in full force and effect, our treaty with Panama is abrogated, as both of these treaties can not possibly be in force at the same time. Therefore it vitally affects the interests of Panama, and we have no right under the terms of our arbitration treaty to submit this question to arbitration without her consent. More than this, to submit to arbitration a question concerning our domestic affairs is to renounce sovereignty, is to declare that we are no longer a Nation. The Panama Canal is built upon American soil. It is no longer under the control of the treaty-making power, but under the control of Congress. It is our own property. The American people own it. They have paid for it. They have asked no other nation to help bear either the expense or the responsibility of its construction or maintenance, and they will never consent to ask any other nation of earth what they are going to do with their own property.

W. E. HUMPHREY.

Mr. KELLY of Pennsylvania. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania to extend his remarks in the RECORD? [After a pause.] The Chair hears none.

Mr. KELLY of Pennsylvania. Mr. Speaker, early in the session I introduced the following measure to provide old-age pensions:

A bill (H. R. 4352) to provide for old-age pensions.

Be it enacted, etc., That every person in whose case the conditions laid down by this act for the receipt of an old-age pension are fulfilled shall be entitled to receive such a pension as long as those conditions continue to be fulfilled, and the receipt of an old-age pension under this act shall not deprive the pensioner of any franchise, right, or privilege or subject him to any disability.

SEC. 2. That the conditions for the receipt of an old-age pension by any person shall be as follows:

(a) The person must have attained the age of 65 years.

(b) The person must have been a citizen of the United States for the 20 years next preceding the application for a pension under this act.

(c) The person must not have had an income from any source, exclusive of the pension herein provided for, for the 12 months next preceding his application, averaging $9 per week.

SEC. 3. That a person shall be disqualified for receiving or continuing to receive an old-age pension under this act, notwithstanding the fulfillment of the above conditions—

(a) If, before he becomes entitled to a pension, he has habitually failed to work according to his ability, opportunity, or need for the maintenance and support of himself and those legally dependent on him: *Provided*, That a person shall not be disqualified under this paragraph if he has continuously for the 10 years previous to attaining the age of 55, by means of payments to fraternal, benefit, or other societies, or trades-unions, or other approved steps, made such provisions against old age, sickness, infirmity, or want or loss of employment as may be recognized as proper provision for the purpose; and any such provision, when made by the husband, in the case of a married couple living together, shall, as respects any right of the wife to a pension, be treated as having been made by the wife as well as by the husband.

(b) While he is being maintained in any place as a pauper or a lunatic.

(c) While he is detained in prison after conviction for a felony, and for a further period of 10 years after the date of release from imprisonment for such cause.

SEC. 4. That every person fulfilling the required conditions shall be placed upon the pension roll of the United States and be entitled to receive until death a pension from the United States Government provided by an annual appropriation from Congress. Such pension shall be graded according to the following schedule:

When the average weekly income of the pensioner as calculated under this act does not exceed $6, $4 per week; exceeds $6, but does not exceed $7, $3 per week; exceeds $7, but does not exceed $8, $2 per week; exceeds $8, but does not exceed $9, $1 per week.

SEC. 5. That in calculating the income of a person for the purpose of this act account shall be taken of—

(a) The income which that person may reasonably expect to receive during the succeeding year in cash, excluding any sums receivable on account of an old-age pension under this act, that income, in the absence of other means for ascertaining the same, being taken to be the income actually received during the preceding year.

(b) The yearly value of any advantage accruing to that person from the ownership or use of any property which is personally used or enjoyed by him.

(c) The yearly income which might be expected to be derived from any property belonging to that person which, though capable of investment or profitable use, is not so invested or profitably used.

(d) The yearly value of any benefit or privilege enjoyed by that person.

SEC. 6. That in calculating the income of a person being one of a married couple living together, the income shall not in any case be taken to be less than one-half the total income of the couple: *Provided*, That when both husband and wife are pensioners, except where they are living apart, pursuant to any decree, judgment, order, or deed of separation, the rate of the pension shall be three-fourths of the rates given in the above schedule.

SEC. 7. That if it appears that any person has directly or indirectly deprived himself of any income or property in order to qualify himself for the receipt of an old-age pension, or for the receipt of an old-age pension at a higher rate than that to which he would otherwise be entitled under this act, that income or the yearly value of that property shall be taken to be part of the income of that person.

SEC. 8. That any assignment of or charge on and every agreement to assign or charge an old-age pension under this act shall be void, and on the bankruptcy of a person entitled to an old-age pension the pension shall not pass to any trustee or other person acting on behalf of the creditors.

SEC. 9. That the said pension shall be paid in 13 equal installments in each year, in advance. It shall begin on the date the claim is filed,

and the arrears from that time to the time of allowance shall, if the claimant be then living, but not otherwise, be paid in a lump sum.

SEC. 10. That the said pension may be increased or decreased every 12 months, whenever the pensioner's income increases or decreases, according to the terms of the schedule.

SEC. 11. That wherever in this act the masculine pronoun is used it shall be held to include the feminine pronoun also.

SEC. 12. That all claims for old-age pensions under this act shall be filed with the Department of the Interior, together with affidavits containing such statements as may be prescribed by the Secretary of the Interior, who shall make such rules and regulations as may be necessary to carry out the provisions of this act.

Mr. Speaker, one of the greatest problems confronting this Nation to-day is that of old-age dependency. It is distinctly a modern problem, born of our present industrial system. In other times the worn-out worker was provided for by the master with whom he had labored as a friend rather than as a servant. But the era of gigantic factories, with the impersonal relation of employer and employee and the shifting of employment, changed the conditions and brought this problem of old-age dependency, which has become more pressing with every year.

The poorhouses and charitable institutions of this country are to-day crowded with aged men and women who performed splendid service until the weakness of age overtook them. Still others of these unfortunates beg on the streets. Others sell trifling articles or do anything they may to prevent the bitter stigma of the poorhouse being placed upon them.

When we have classed these worn-out servants of humanity as paupers, we have done an injustice. They are not paupers any more than the soldier who has no longer strength to march in the ranks can be called a deserter. They are victims of unjust conditions, and their hardships and misery are preventable by a statesmanship which will not uphold the squandering of a nation's funds for worse than useless purposes, while the aged parents of the people are forgotten in their misery and want.

They tell us that the aged Indian when he saw himself becoming a burden upon the tribe calmly selected his grave and refused to live longer. But surely in this age and in this Nation we will neither demand nor permit such sacrifice.

Year by year national legislation has had an increasing trend toward dealing with questions which affect the entire social life of the people. Government has long recognized its duty toward the child by declaring that the opportunity of free education must be given to every child within the borders of the Nation. Having recognized its duty toward those at the threshold of life, government must recognize also those at the other extremity, those whose departure can not long be postponed.

This action is one of simple justice, and it becomes imperative when it is proven that this Nation is witnessing a great and growing volume of distress due to the infirmities of old age. Boasted prosperity does not stop the human tide flowing toward old-age dependency; depression only accelerates the current. Growing more numerous are those we term "unfortunates," whose only misfortune consists in their having lived long. So vast has this distress become, so injurious to the public welfare, and its relief so expensive that there is no other problem greater than this before the American people.

Only recently has the subject been given the attention it deserves, a fact which in itself is a crying condemnation. Statistics are difficult to secure, and I believe that I have perused all the figures compiled on the question in this country. The Nation has never considered it, and the State of Massachusetts is the only State that has really made a methodical investigation of the subject. The report of the commission on old-age pensions, provided for by the legislature of that State, and which was issued in 1910, is the most authoritative work on the subject in this country.

This report states that of 177,000 persons in the State over the age of 65, 41,212 were absolutely dependent upon charity for their support. A large number of the 135,788 classed as nondependent were provided for by relatives and in other ways, and the number of dependent ones is declared to be very conservative.

The increase has been startling during the last few years, and shows that the problem is growing more and more in magnitude, and that it already has reached the place where earnest attention must be given to it. We have an army of industrial wage earners in the Nation numbering more than 18,000,000. By the calculation of investigators there are 1,250,000 persons who have reached the age of 65 in want, and must depend upon assistance for their daily needs.

It is costing each year in public and private charity the sum of $150,000,000 to take care of this army of worn-out and cast-off soldiers of peace. That means that 1 of every 18 wage-workers at least is dependent upon others for support. It means that 1 out of every 75 persons is a "dependent," and that the other 74 must provide for his maintenance and support.

The Census Bureau in its special report for 1904 on Paupers in Almshouses, emphasizes the fact that dependence is an accompaniment of old age. On page 18 the statement is made "Pauperism is largely a phenomenon of old age. It is a misfortune of old age and not of youth."

The enumeration of paupers in almshouses December 31, 1903, shows 81,764, while 81,412 were admitted during the year. Of 160,006 whose ages were known, 52,795 were 65 years of age and over. The percentage of each five-year period given in the census tables is an eloquent proof of the relation between old age and pauperism. For instance, the almshouse population under 35 years of age is 21 per cent of the whole while it is 70 per cent for the general population. The almshouse population over 65 years of age is 33 per cent of the total while it is but 4 per cent of the general population.

Of paupers admitted to poorhouses 27 per cent are 65 and over and more than half of all admitted are over 50 years of age. The report says:

> Nothing could more clearly show the fact that pauperism cared for in almshouses is largely an incident of later life.

The cause of the presence of aged persons in the poorhouses, while not the most vital point of the matter, is still a question to be considered. There are many persons who in self-satisfied manner declare that it is due to intemperance, lack of thrift, shiftlessness, and so forth, on the part of the individuals themselves.

While it can not be denied that some persons are in poverty and pauperism because they are shiftless and drunken, the fact is that these causes have been vastly magnified by those who did not care nor dare to investigate the truth. The Massachusetts report shows that of the inmates of poorhouses who had owned property at some time in their lives, only 6 per cent had lost it through intemperance. Aside from that fact, it would be worth while to seek to learn how much of intemperance and vice is due to conditions which drive hope from the hearts of men and leave only despair in its stead.

The vast majority of the aged dependents in this country are dependent because of circumstances over which they had and could have no control. The Massachusetts report shows that 60 per cent of the aged paupers who once owned property came to want because of sickness, accident, and so forth; 25 per cent because of business failures, bad investments, and so forth; and only 6 per cent because of intemperance.

These figures are typical of the conditions in the Nation, for those who have studied the conditions declare that 72 per cent of the pauperism in this country is due to misfortune. The United States Census Bureau shows that about 20,000 fatal accidents occur every year in the industries of the country, and the nonfatal accidents have been estimated at 2,000,000 each year. Eighty per cent of all these accidents are due to the professional risks of industry.

That means that at least 15,000 families are robbed of their breadwinner and left destitute and that the burden of temporary disability rests upon other countless thousands each and every year.

As regards sickness, it is estimated that 3,000,000 persons are sick every day, and the United States Bureau of Labor estimates that the average laborer in America pays $27 a year for medicine alone, without counting doctors' fees and funeral expenses, showing the enormous drain sickness makes upon the incomes of the workers of the country.

No; we can not lay as flattering unction to our souls the statement that poverty in this country is even largely due to faults of the individual. When the father is killed or maimed, when the wage earner is thrown out of employment or stricken down by preventable disease, when less than a living wage is paid workers, the poverty which follows is not to be justly charged to the individual, but is rather a bitter arraignment of the conditions which make that poverty inevitable. The truth is that the great mass of unskilled workers in this country and many of the skilled workmen face as their certain fate dependency in old age. Even though they should keep above the poverty line until the possibility of working is past, they must drop below it then, while all the time they are facing the same tragic fate through sickness, unemployment, or accident.

But in spite of these facts neither the United States nor any State has thus far taken any vital step for the remedy of distressful conditions. Every other great industrial nation of civilization has devised a pension system of some kind, voluntary or compulsory, contributory or noncontributory, based on the principle that faithful service entitles the old worker to respect and support, not charity; to justice, not pauperism.

Germany was the originator of legislation looking toward provision for old age without the taint of pauperism. Its compulsory insurance law for old age was passed in 1889. It requires all workers whose income does not exceed $476 to pay weekly contributions to the old-age fund. One thousand one

hundred and forty weeks' contributions must be paid before the insured is entitled to a pension, and he must have reached the age of 70 years. The fund is maintained by contributions from employee, employer, and the Government.

Denmark followed in 1891 and made the age limit 60, with the pensioner proving that he is not able to provide the necessaries of life.

New Zealand passed an old-age pension law in 1898, making the age limit 65 and the income less than $300.

New South Wales passed a similar act in 1900. The preamble reads:

Whereas it is equitable that deserving persons who during their term of life have helped to bear the public burden of the Commonwealth by the payment of taxes and by opening up its resources by their labor and skill should receive pensions from the colony in their old age—

And so forth.

Victoria followed in 1901, making the age limit 65 years. Belgium passed a law in the same year, combining insurance and pensions, with the age limit 65. France passed a law in 1905, with combined pensions and government savings banks, and age limit of 70. Italy in 1906 passed a law providing for insurance subsidized by the Government and requiring 25 years' payments and age limit of 60. Austria passed a contributory insurance law in 1906 which provides benefits for those who have reached the age of 65. Canada in 1908 passed an old-age annuity law providing for annuities of from $50 to $600 per year. England passed an old-age pension law in 1909, with an age limit of 70 years. The Commonwealth of Australia passed a law in 1909 superseding those of the colonies. It makes the age limit 65, and its expressed purpose is "to provide old-age pensions as right and not as charity."

In fact, every European country, with the exception of Russia, has taken steps to solve the problem of old-age dependency. The plans have proved successful, of course, in varying degree, but all have met in convincing fashion the objections raised by their opponents to their passage.

Frederick L. Hoffman, an expert American investigator, visited Germany recently and reported that—

While some objections were raised to the compulsory contributions, still there is no dissenting opinion that government action has resulted in far-reaching reforms; that it has been of vast benefit to the people; and that it has come to stay.

Sir Richard Sedden, prime minister in New Zealand, in speaking of the effect of the old-age pension there said:

Until this act passed we had not encouraged our working people to be sober, industrious, and thrifty. If they happened to be unfortunate so far as work is concerned, or if illness had rendered it difficult for them to find employment, or if their wages had been very poor and unsatisfactory, we had practically condemned them to seek charitable relief in their old age. The effect of this old-age pension at 65 is to encourage habits of thrift, since there is now something for the aged worker to hope for.

Hon. Percy Alden, member of the British Parliament, in his book on "Democratic England," convincingly argues for the old-age pension from its working in England. He says:

We think very little of voting many millions for armaments, and we call such expenditures insurance against possible hostile attacks. Surely the insurance against the discomforts and miseries entailed by old age upon the poor is at least as legitimate a national charge.

It would require volumes to contain the favorable declarations of statesmen and others in the countries where old-age dependency is being met as a national problem. Suffice it to say that old-age pensions have proved successful in every country where they have been put into operation. They have come to stay because they ought to stay.

But while every other civilized nation has been considering and acting upon this question the United States has been a laggard. In spite of the fact that Thomas Paine, one of the founders of this Republic, strongly advocated old-age pensions in his "Rights of Man," and other patriots have followed him through the years, this Nation has never yet taken action.

It may be safely said, however, that it can not be much longer delayed. The principle has been admitted in our poor laws that those who can not support themselves have a claim upon society for the means of existence. It is more a question of method than of principle, and before many years we will admit that no Government can neglect its aged work people and still be just, and the Government that is not just can not be stable nor secure. I am convinced that this Nation will not much longer stand for the relegating of worn-out workers to the poorhouse where "men sit and hear each other groan."

But facing the conditions of to-day we find in some quarters bitter opposition to the principle of old-age pensions. It is based on different ground, though the object is the same. First, there is the element fundamentally opposed to the entire idea that the Nation owes a duty to worn-out workers aside from maintaining poorhouses. This class sees in poverty nothing but the consequences of shiftlessness and intemperance and poor management. Secure in the posessions they have wrested from fate under existing conditions, they talk of the doctrine of noninterference with natural laws. They declare that government has no right to interfere in matters of this kind, that a government's only duty is to act as a policeman.

This class believes that all things old are sacred and all things new are dangerous. They believe that the men and women and children living in the slums of our cities are there because they revel in dark rooms and foul alleys and have neither the desire nor ability for improvement. It is the attitude of the stark individualist, with his Ishmael-like philosophy, that in the selfish struggle for existence, every man for himself, can ultimate good be accomplished. It is so preposterous in the light of its climax in the billionaire and countless paupers that it would seem untenable in this age; but the fact is that it is held by many persons, and is a theory which must be met in the advocacy of all measures which would make of government a tool for the promotion of the public welfare as well as a policeman's club.

These extreme individualists talk much of natural conditions, but the fact is that the "natural conditions" so greatly emphasized by them do not exist anywhere in a civilized state. The state of nature is not found even in our fertile fields of hay and grain, our orchards, and our flocks and herds of domesticated animals. Man has not allowed nature to have its course; he has modified the development of plants and animals, and in new and multiplied forms they are serving mankind.

What then shall we say of man-made conditions in society and government? Is government to stand aside while the strong crush the weak and unjust burdens are piled upon the shoulders of helpless ones? That argument would, if carried to its logical conclusion, end most disastrously to those propertied ones who urge its claims to-day. It would prevent the passage of a single law to restrain the highwayman, who with his weapon in hand compels the luckless pedestrian to surrender his money or his life. It would give force to the doctrine that might is right; it would follow its doctrine of the survival of the fittest to its logical end.

This cry of "Let natural conditions work out the problem" is mockery under the conditions. A new situation has arisen, complex circumstances have taken the place of the simple conditions of a past era. The Nation is a web and woof of citizenship, and a single torn thread mars the whole fabric. The interdependence of the elements in this Nation makes action by a power greater than all of them imperative. Government must assume duties which were unnecessary in the past because of the development of a rapidly changing society.

The course of legislation for many years shows how great is the field for governmental action. Providing for the public schools, penalizing the adulteration of foods, regulating hours of labor for women, prohibiting child labor, stamping out contagious diseases among animals, inspecting the work of slaughterhouses, looking after sanitary conditions, all these are eloquent witnesses to the government activities which are to-day universally commended, but which met with the most bitter opposition at their inception on this same ground of interference with the course of nature.

The argument of paternalism was invoked against those measures just as it is against old-age pensions. It shows an absolute ignorance of the meaning of paternalism, since there can be no paternalism in a government of the people, for the people, and by the people. Measures advancing the public good, then, are only evidences of the principle of self-help, the imposition of laws upon the people by the people themselves.

And to those who talk so glibly of the laws of nature, I would suggest that the most natural thing in the world is for people to struggle to secure justice. The history of the world is a history of mankind struggling against injustice in pursuance of an ideal implanted in its breast by Almighty God. The pursuit of justice always has been the aim of American patriots; it always will be their desire until it be attained, and it will not be finally attained in this Nation until the worn-out workers of America are assured a living in their old age free from the blighting brand of pauperism.

But other opponents of the old-age pensions declare that government should not assume the burden since private instrumentalities will meet the need. They say that employing corporations should maintain old-age pension funds, or that labor unions, fraternal societies, retirement funds, and so forth, will solve the problem and meet the need. This argument can be easily analyzed, and we can see just how much these plans can accomplish, for they have all been tried in this country. As far as corporation funds are concerned, the plan is unjust, since it places labor in a servile position, restricts the mobility of labor, and would prove a most fragile support in case of failure of the corporation, leaving the aged employee without the support he had confidently counted upon for years.

But let us look at the history of all these plans in this country. The facts are procurable to all and will answer the contention. A number of railroads have founded railroad relief funds. They consist of two kinds, the contributing and noncontributing. In the contributing the employee must pay dues for a large number of years, and he forfeits all rights when he becomes in arrears through any cause. In the noncontributing system the railroad companies supply the funds, but they require conditions which few men can meet. Employees must have been in the constant employ of the company for long periods, and they must have been loyal to the company under all circumstances. The companies refuse also to admit any rights to a pension, claiming the privilege of granting or refusing a pension at will. All the railroad funds in the country, as given in the census report, provided in the year reported for but 2,306 beneficiaries.

Then there are 461 establishment funds in this country contributed by the employees of individual establishments. They provided for 14 aged workers in the year reported.

There are a number of industrial benefit societies composed of workers in certain lines and not dependent on labor unions. In the year reported they cared for 15 aged persons.

The Carnegie pension fund of the United States Steel Corporation is in a class by itself among these plans. Its pensions are provided from a fund of $12,000,000 contributed jointly by Carnegie and the Steel Corporation. During its history it has provided for 1,606 persons, according to its own report.

The labor unions have not solved this problem. They can not solve it, and we have no right to expect them to even try to solve it. They have no means, save through dues collected, to establish old-age pension funds, and they can not successfully add such dues to those already required from the membership for the purposes of maintenance. The Government figures show that of 125 national and international labor unions in this country only 4 have a fund for old-age benefits. These 4 provided for 429 persons during the year reported out of a total membership of hundreds of thousands.

In their necessary conditions these fail to meet the need for provision for old age. They must require members to have paid dues for many years, they must have passed physical examinations, and they must not be in arrears at any time. These requirements, aside from the fact that labor unions only have a membership of 2,000,000 workers out of 18,000,000, preclude relief even in their own membership for those who need it most.

Besides these there are 530 local labor organizations in this country, but none have old-age pension funds and only 6 provide for permanent disability benefits. These 6 organizations, in the year reported, paid allowances for 106 persons.

These plans on the part of corporations and labor organizations provided in one year for 3,425 aged workers who had given their lives to faithful industrial service. The number is so small that it is pitiful when we realize that only 1 out of every 400 dependent persons of 65 years of age and over were taken care of through these means. They can not and they should not attempt to solve the question of old-age dependency in this Nation.

Other plans have proved equally weak and inefficient. Fraternal societies can not cope with the problem. Aside from the fact that their membership includes but a small percentage of those likely to need help in old age, they are required to raise the necessary funds entirely through dues collected. That means that men and women must pay from their earnings through a long series of years before they can possibly hope to reap a benefit, and I propose to show a little later that such a requirement is absolutely impossible of fulfillment by those who need provision in old age in the greatest degree. Out of 182 fraternal benefit societies in this country but 42 have any provision at all for old-age relief, and they touch the problem in the most distant way.

Municipal pensions in some cities provide for policemen and firemen, but they touch only a small fraction of the question. They concern workers who receive wages vastly above the average and they require payments of regular dues from monthly salaries.

Teachers' retirement funds, as organized in certain cities, fall under the same category. Well paid while employed, teachers are far better able than the average person to pay dues for a long period on the possibility that they will need help in the days of old age.

Private insurance companies have never in any way met the need. They can be of advantage only to those who are able to keep up payments for a long period, and that is an impossibility for those who need the relief most and who have worthily earned it.

State insurance plans have been put in operation in Massachusetts and Wisconsin, but they have not been entirely successful, and they also aim only to help those who can pay assessments through a long period of years.

These plans are the only ones ever attempted in this country to assure an existence in old age for faithful workers with no taint of charity upon it. The most cursory examination shows how far short they have come in coping with old-age dependency and proves that they can not hope to solve the problem, even if the problem were theirs to solve. They demand the impossible, and the average worker in this Nation is debarred from ever taking advantage of their provisions.

But then there come other opponents of old-age pensions and they have an entirely different viewpoint from the individualists. They recognize the great boon of an old age free from pauperism, and they are willing that the Government shall assist in that culmination. But they declare that thrift on the part of the individual must be a vital factor of the question. They advocate State savings banks by which they would stimulate thrift and provide annuities for old age. Or they advocate compulsory thrift, with weekly payments taken from wages, to be returned again as pensions in old age. Some of the European countries and Canada have based their plans on such a basis.

These plans bring up the reason for the total failure of the organizations already in existence to solve the problem. In the first place, these advocates take for granted that the thrift which lays up funds for old age is the wisest and best under the existing conditions. They forget that there is a very vital relation between thrift and income.

The fact of the matter is that the working people of this country have many wiser as well as more imperative ways of using their money, even if they should have a surplus. The average laborer in this country is dependent on his daily income for the support of himself and family. Even though he should be able to save something from his wages, is it wise to irrevocably appropriate those savings for provision for a long-distant future? What of the education of his children and the preparation for imminent perils, such as unemployment, sickness, accident, and so forth? The workers o this country at least have answered that query when societies paying benefits for temporary disability number their members by the million, while there are practically none collecting dues for the payment of old-age benefits.

Then, again, I would like to ask how cases are to be treated when payments can not be kept up in these contributory plans? If it is decided that workers may stop payments and draw out the amount due them on account of past payments, the whole purpose of providing for old age fails. The poorest paid workers will always find times when they have imperative and immediate need for the money saved through these means. Under such a course only the more prosperous and self-reliant will be aided, and the ones really in need of aid will be left without it.

But supposing that the other course is taken and all rights are forfeited as the result of payments left unpaid. That increases the incentive to keep up the payments, but it does not give the power, and that is the vital point in most of the plans already considered

It has been stated by the best authorities that $600 is the minimum income which will provide the actual necessaries of life for a family of five in the United States in all industries ouside of agriculture. This figure is given by Prof. J. A. Ryan in his book "A Living Wage." I am sure that it falls far short of the minimum requirement in the great industrial districts, but we can accept it as at least not an exaggerated figure. Prof. Ryan has taken the census reports, and after exhaustive study and tabulation has shown that over 10,000,000 of the 18,000,000 industrial workers of this country receive less than $600 a year.

The average income of 35,000,000 employees in 1910 was $433. Omitting the agricultural pursuits and including all salaries with the wages, the average income was $609 a year. Such figures go far to prove the contention of Robert Hunter that "not less than 10,000,000 persons are in poverty in this Nation; that is, they may be able to get a bare subsistence, but they are not able to obtain those necessities which will permit them to maintain a state of physical efficiency."

They also bear out the statement of Prof. Lee Welling Squier, probably the best authority on this subject in this country, when he says, in his work on Old Age Dependency:

> It is apparent that tens and hundreds of thousands of the wage earners of the United States have individual and family incomes which are less than a living wage, and that those who survive the vicissitudes of a hand-to-mouth existence until old age is reached will surely take their places in the great army of the aged, dependent poor.

So it is clear that any plan for solving this problem that includes so-called thrift, whether it be voluntary or compulsory, is impracticable, since the average laborer can save nothing—has nothing to save from. Though he work ever so hard and ever so long he can not make ends meet in the struggle for daily existence, and the task of laying up funds for a long-distant future is beyond his utmost endeavor.

But to those who insist upon contributions from the workers I would suggest that as long as we have taxes upon commodities that are consumed by every family in the land there can be no such thing as a noncontributing scheme. The workers of the Nation through a long series of years have been contributing largely to the revenues of the Government, and a pension in old age is but a return of a portion of their contributions.

Then, there are objections raised to old-age pensions on the ground that it would lay an overwhelming burden of expense upon the Government and tax its resources to the uttermost. Such statements are misleading, for the fact is that the establishment of old-age pensions as provided in this bill is to be urged not only from the standpoint of humanity, but from the standpoint of economy as well.

Counting the war pensions paid to persons of 65 years of age and over and the public and private charity funds for the care of persons of that age, the sum of $180,000,000 is being spent every year in this country. The veterans of the Civil War are decreasing in greater numbers with every passing year, and in the nature of things the last survivor will soon have heard the last bugle call which summons him to the Great Beyond. The sum now used in paying war pensions to those of 65 years of age and over could then be transferred to the fund for the pensioners of peace without an added cent of taxation being levied.

The cost of maintaining poorhouses and benevolent institutions for persons of 65 years and over to-day, if transferred to the old-age pension fund would be an act of humanity and wisdom and economy. Figuring that there are 1,250,000 aged dependents in this country who would come under the provisions of this bill, and that each one would receive the maximum pension of $4 a week, the expense would be but slightly greater than the present haphazard, cruel, and unsatisfactory method of dealing with old-age dependency.

But aside from all that, I am convinced that the expense will not prevent the adoption of a governmental pension plan for the retired industrial army here any more than it did in England. Our new income-tax law, brought to the provisions of the English law, would yield $400,000,000 of revenue. Besides that, the day is not far distant when an inheritance-tax law will be passed in this country, if for no other reason than to prevent collossal fortunes from remaining intact through generations and forming a perpetual menace to free institutions.

There are some who urge the argument that has been advanced against every great humanitarian measure ever proposed in this Nation—that it is unconstitutional. Their forerunners declared that the Nation could not grow by purchase, as in the case of the Louisiana addition, because it was unconstitutional. They declared in 1860 that the Nation could not save its own life by putting down rebellion, because it was unconstitutional. To-day they forget that one of the fundamental purposes of the Constitution, as expressed in the preamble, is to promote the general welfare, and that the task of providing for the aged workers of this Nation in justice is one which might well occupy the mind of everyone who believes that the noblest motive is the common good.

But the Supreme Court has more and more noticeably in the past few years been handing down decisions which tend to throw light upon this question. It has decided that the taxing power may be used for the purpose of not only relieving but of preventing pauperism. In the North Dakota cases it said:

> If the destitute farmers of the frontier of North Dakota were now actually in the almshouses of the various communities in which they reside, all the adjudications of the courts, State or Federal, upon this subject could be marshaled as precedents in support of any taxation, however onerous, which might become necessary for their support. But is it not also competent for the legislature to make small loans, secured by prospective crops, to those whose condition is so impoverished and desperate as to reasonably justify the fear that unless they receive help they and their families will become a charge upon the counties in which they live?

Then there is an array of decisions which refuse to apply in charitable cases the rule that the private character of the benefit necessarily makes the character of the purpose itself of a private nature.

The Supreme Court, in the sugar bounty cases, said:

> Debts of the United States, to pay which Congress may by the Constitution levy and collect taxes, include moral as well as legal obligations. Payments to individuals, not of right or of a merely legal claim, but payments in the nature of gratuity, yet having some feature of moral obligations to support them, have been made by the Government by virtue of acts of Congress appropriating the public money ever since its foundation. Some of the acts were based upon considerations of pure charity.

In the same case the court further said:

> In regard to the question whether the facts existing in any given case bring it within the description of that class of claims which Congress can and ought to recognize as founded upon equitable and moral considerations, and grounded upon principles of right and justice, we think that generally such question must in its nature be one for Congress to decide for itself. Its decision recognizing such a claim and appropriating money for its payment can rarely, if ever, be the subject for review by the judicial branch of the Government.

The question of the constitutionality of such legislation as this was discussed exhaustively by Miles M. Dawson, counselor at law and consulting actuary, of New York, in his brief filed with the Federal Commission on Employers' Liability and Workmen's Compensation on June 14, 1911. This brief is printed with the report of the commission. It takes up the question as to whether a tax may be levied for such a purpose under the Constitution, and cites numerous decisions to prove that it may. He then takes up the question as to whether the money may be disbursed for such a purpose. He cites the numerous bounties voted and paid by the Government many times and from an early date, among them being for the relief of sufferers by fire, earthquake, Indian depredations, overflow of the Mississippi and Ohio Rivers, cyclones, yellow fever, grasshoppers, lack of seed by failure of crops, or from accidents at arsenals.

Mr. Justice Story in his Commentaries on the Constitution, after an exhaustive review of the authorities, concludes that the power to appropriate is coextensive with the purpose for which the tax may be laid and collected.

The following are among his statements regarding this subject:

> SEC. 923. * * * But then, it is said, if Congress may lay taxes for the common defense and general welfare, the money may be appropriated for those purposes, although not within the scope of the other enumerated powers. Certainly it may be so appropriated; for if Congress is authorized to lay taxes for such purposes it might be strange if, when raised, the money could not be applied to them. That would be to give a power for a certain end and then deny the end intended by the power.
>
> SEC. 924. * * * The only real question is whether, even admitting the power to lay taxes is appropriate for some of the purposes of other enumerated powers (for no one will contend that it will, of itself, reach or provide for them all), it is limited to such appropriations as grow out of the exercise of those powers. In other words, whether it is an incident to those powers, or a substantive power in other cases, which may concern the common defense and the general welfare. If there are no other cases which concern the common defense and general welfare except those within the scope of the other enumerated powers, the discussion is merely nominal and frivolous. If there are such cases, who is at liberty to say that, being for the common defense and general welfare, the Constitution did not intend to embrace them? The preamble of the Constitution declares one of the objects to be to provide for the common defense and to promote the general welfare; and if the power to lay taxes in express terms is given to provide for the common defense and general welfare, what ground can there be to construe the power short of the object, to say that it shall be merely auxiliary to other enumerated powers and not coextensive with its own terms and its avowed objects? One of the best established rules of interpretation, one which common sense and reason forbid us to overlook, is that when the object of a power is clearly defined by its terms or avowed in the context it ought to be construed so as to obtain the object and not to defeat it. The circumstance that, so construed, the power may be abused is no answer. All powers may be abused; but are they then to be abridged by those who are to administer them or denied to have any operation? If the people frame a constitution, the rulers are to obey it. Neither rulers nor any other functionaries, much less any private persons, have a right to cripple it because it is, according to their own views, inconvenient or dangerous, unwise or impolitic, of narrow limits or of wide influence.
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> SEC. 925. Besides, the argument itself admits that "Congress is authorized to provide money for the common defense and general welfare." It is not pretended that when a tax is laid the specific objects for which it is laid are to be specified or that it is to be solely applied to those objects. That would be to insert a limitation nowhere stated in the text. But it is said that it must be applied to the general welfare; and that can only be by an application of it to some particular measure conducive to the general welfare. This is admitted. But, then, it is added that this particular measure must be within the enumerated authorities vested in Congress (that is, within some of the powers not embraced in the first clause), otherwise the application is not authorized. Why not, since it is for the general welfare?
>
> SEC. 975. The other question is whether Congress has any power to appropriate money, raised by taxation or otherwise, for any other purposes than those pointed out in the enumerated powers which follow the clause respecting taxation. * * *
>
> SEC. 976. The reasoning upon which the opinion adverse to the authority of Congress to make appropriations not within the scope of the enumerated powers is maintained has been already, in a great measure, stated. * * * The controversy is virtually at an end if it is once admitted that the words "to provide for the common defense and general welfare" are a part and qualification of the power to lay taxes; for then Congress has certainly a right to appropriate money to any purposes or in any manner conducive to those ends.

The decisions are clear and to the point and indicate the general attitude of the Supreme Court on questions somewhat of the nature of old-age pensions. But there are many precedents for the power of Congress in this matter. It has granted bounties for the encouragement of manufactures, for educational institutions, for the distribution of seeds; surely it has the right to grant money for such a purpose as providing for

old age. Congress has used its resources for the benefit of citizens, as in the case of its public lands; it has, through homestead acts, given valuable tracts to citizens who would occupy them, and, in the case of soldiers, has granted them outright. The police powers of Government have been greatly enlarged in recent decisions, and the Supreme Court, in the case of the Noble State Bank against Haskell, said:

> It may be said in a general way that the police power extends to all the great public needs.

Surely to protect the health, morals, and mind of a citizen against the injury resulting from poverty in old age is as important as to protect his life against the assassin, his body against the bully, or his money against the thief. But, I take it, too, that this Congress is not to be bound in its action by the captious pleas of unconstitutionality. The legislative department is responsible for passing measures consistent with justice and the advancement of the common welfare. If another department sets those measures aside, it is responsible for its action. We may rest assured that in this case, as in every other vital problem in the history of the Nation, the people will not consider the question until it is settled right.

I have tried to point out every argument used against old-age pensions and to show their weakness. But stronger than any argument I might make in answer, I want to point to the answer furnished by the countries where old-age pensions are in actual operation. The practical working of the plan answers every objector and gives the facts instead of theories and suppositions.

Old-age pensions do not discourage thrift, but, as the prime minister of New Zealand puts it, has encouraged thrift by giving the workers something to hope for and by putting courage in their breasts. And remember the words of President Harrison:

> When the wage earners of this land lose hope, when the star goes out, after that anarchy or a czar.

Old-age pensions do not disintegrate the family, but have the opposite effect, and the aged parent or grandparent who can help support the home in which he finds refuge is a blessing instead of a burden. Our own Civil War pensions have not broken up families; they have cemented them, while it has been left to the poorhouses to disintegrate the family.

Old-age pensions have not had mischievous political effects, but have rather helped to teach the people that they had a substantial share in government; that the Government is, in fact, themselves, and that in seeing that justice is done, no more and no less, they were attending strictly to their own business.

No; the objections have been weighed in the balance and found wanting in other countries. That they will meet the same fate here can not be doubted.

I urge the adoption of this measure because it is the only just method of dealing with the problem. The Nation must act, for it is not a State question. The Massachusetts report, to which I have previously referred, says in concluding:

> If any general system of old-age pensions is to be established, it should be done by the National Congress and not by State legislation.

Contributory plans will not meet the need, for they do not reach the poorest paid workers, the ones who need help the most and who have, in fact, made contributions all their lives to the Government revenues, and thus have a right to demand of the Government an existence in old age without the taint of pauperism.

This bill which I have introduced makes the pension fund a national charge, and no contribution is demanded from the pensioner. The receipt of an old-age pension does not deprive its recipient of any franchise, right, or privilege, nor does it inflict upon him any disability whatever.

It is not a measure of charity; it is a measure of justice. It is a legislation inspired by the spirit of humanity—yes—but also by economy and good business judgment, for it works good to all and evil to none. It is a legislation which will assuage misery and reduce agony, bringing peace and comfort to those who need it most and have earned it best. It is a legislation to protect the weak and the needy, not by an appeal to pity, but by an appeal to right and justice. It is a legislation which aims to carry out that fundamental purpose for which this Government was founded—the promotion of the common welfare.

It is not the purpose of this measure to lavish largess upon those who deserve only condemnation. The poverty and misery due to degeneracy and vice will always exist as inevitable punishment for misdeeds, and no right-thinking person would wish to attempt to legislate it out of existence. But this measure will provide for those who reach the helpless days of old age in poverty as the result of social wrongs and through no fault of their own. They are the victims of circumstances over which they have no control; their misery is due to the neglect of the very fundamentals of justice on the part of society, and that society owes a sacred obligation in the matter.

Only those will be benefited who have amply earned it. It affects only those who have through long years helped to maintain the material welfare of the Nation and who have given its riches and strength. Though hard pressed even in their prime, they have been faithful and hard working and have carried their burdens cheerfully and without complaint. I know something of great industrial districts and I have been brought into contact with phases of everyday life which some public officials never see. I am free to say that the most remarkable thing about the situation as regards those on the margin, and there are unhappily more of them every year, is their courage in the bitter battle which life means for them. The most pathetic sight I have ever seen was not the mangled body carried from the mills to the stricken home. It was the silent tragedy of the heroism of those who were trying with all their might to make ends meet in the face of overwhelming odds. I can show you that sight in countless homes in the greatest industrial district in the world. I count the truest sympathy not the pity at misfortune and want but the fellow feeling with such courage and the desire to make it impossible that that courage and heroism shall be displayed in vain. We are doing that when we demand when the days of weakness come and the burdens of toil can no longer be borne, that those burdens be lifted from bending shoulders, that it shall not be a crime for men and women to grow venerable and old and be compelled to bear indignity and humiliation simply because they have lived long.

Present industrial conditions demand our action. The great mass of workers are precluded by pitiless necessity from laying up funds to provide for old age. Unemployment, sickness, accident are ever close at hand, and the coming of any one of them means tragedy. It means the use of any surplus and more oft-times, and the debt which generally follows such misfortunes hangs like a dead-weight about the neck of labor.

I realize that the disease should also be treated as well as the symptoms, and that this bill has no necessary relation with the cure of the disease which makes poverty in old age inevitable. Other measures must deal with that question, but in this we can relieve present-day evils, and that is also a worthy aim of legislation and statesmanship. None of the plans proposed, aside from old-age pensions, can meet the need. The public charity system is inadequate and unjust. In the poorhouses of the country the upright, honest, and industrious man or woman is placed with those whose vicious lives have brought them to poverty and disease. Little wonder that the self-respecting worker chooses death rather than such a fate, and it is vastly to his credit that such is the case.

To leave these faithful ones in their old age to the mercy of private corporations is unworthy of the civilization of to-day. To place the responsibility upon voluntary associations is cowardly and unjust, for they can not carry the responsibility and we have no shadow of right in expecting it. The burden can not be shifted to the States, for it is preeminently a national question and the Nation is the only authority that can or should deal with it.

If passed, this measure will mean that no longer shall the burning badge of failure be hung about the necks of the industrious in their old age, while they are loathed and despised as burdens upon the public and forced to endure degradation and torture worse than death. Faithful service will not be rewarded with a cell in the poorhouse little better than a criminal's, which is the punishment decreed for those who have lived long and come to want.

This bill enacted into law would abolish the crime of old age and would give to accumulated years of faithfulness its due tribute of reward and support. It would be a glimpse of heaven's light for that innumerable company of aged persons whose daily bread is a gift from strange hands. Hundreds of them, seeing the notice of the introduction of this bill in the newspapers, have written to me regarding it, and the little stories from real life are more pathetic than any tragedy ever enacted by mimic characters upon a stage. This legislation will put hope into the hearts of such as these, the ones who cower in the terror of poverty in old age. It will inspire those of younger years who fear the coming of that terror. It will give them a new love of country and make the Nation one wherein duties are regarded as well as rights, obligations as well as interests, welfare as well as warfare.

Those are the aims of this legislation, and they are well worthy of the highest and best statesmanship in this Nation. Their accomplishment in the triumph of the principle of old-age pensions will be one of the greatest strides America has ever made toward fulfilling her destiny—a Nation that stands as a synonym for justice, whose altar is consecrated to human-

ity, and whose welfare and perpetuity rest upon the affection and love of its people.

The SPEAKER. Is there objection to the request of the gentleman from Wyoming for one hour? [After a pause.] The Chair hears none. Is there objection to the request of the gentleman from Minnesota [Mr. STEENERSON] that he may follow the gentleman from Wyoming for 30 minutes?

Mr. MURDOCK. Mr. Speaker, reserving the right to object to the second request, for the information of the House I would like to know what the gentleman from Minnesota is to talk about.

Mr. STEENERSON. Agriculture.

Mr. MONDELL. Mr. Speaker, having been granted an hour, I do not want to be ungracious, but I think it is entirely possible that if the House is in a willing frame of mind I may ask for a few minutes in addition to the hour, and I want to know if the gentleman from Minnesota would object.

Mr. STEENERSON. No; as long as it is not taken out of my time.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota [Mr. STEENERSON] for 30 minutes after the gentleman from Wyoming gets through? [After a pause.] The Chair hears none, and the gentleman from Wyoming is recognized for one hour.

Mr. MONDELL. Mr. Speaker, on Monday, June 5, the gentleman from Washington [Mr. HUMPHREY] addressed the House on a resolution he had introduced for an investigation of the Forest Service. During the course of his remarks he severely criticized the acts of those influential, one time or another, in the Forestry Service and made some very emphatic and rather startling statements as to the character and effect of certain features of national forest reserve policies, past and present. On the following day the gentleman from Kansas [Mr. MURDOCK] made a speech in reply to certain assertions made by the gentleman from Washington the day before. In the course of his remarks the gentleman from Kansas said that the gentleman from Washington "virtually advocated the abandonment of the policy of national conservation," and further on in his remarks the gentleman said, in substance, that the leaders of the Republican Party had never had any sympathy with the principle of "conservation," had been and were opposed to it, and would if they had the opportunity entirely overthrow it.

Being somewhat interested in knowing just what the gentleman meant by "conservation," I interrogated him as follows:

The gentleman uses the word "conservation." Is it the gentleman's purpose to define what he means by "conservation," in order that we may understand what it is he is discussing?

To which the gentleman from Kansas [Mr. MURDOCK] replied:

I will say that I intend to deal with the forestry proposition.

It is my present purpose to also discuss briefly some features of our national forestry policy, and also certain other matters relating to the public domain which are sometimes grouped under the head of "conservation."

The gentleman from Kansas did not define "conservation" at my request. He would probably experience some difficulty in giving a definition which would be acceptable to all of those who most frequently and glibly employ that term. But whatever it is, he says the Republican Party is against it. While I do not pretend to speak for the Republican Party as a whole, I desire to make some observations as to my personal views relative to some things that have been done in the name of conservation, and I think I shall have no difficulty in making it quite clear that the Republican Party and the members of that party are entitled to the credit for most that has been done in the way of a reasonable and proper use and conservation of the Nation's resources.

On the other hand, I think it can be made perfectly clear that some who have most conjured in the name of conservation and have had the most to say about it have, consciously or otherwise, been the enemies of a wise conservation, permanent and useful to the people, through proper protection and use of the Nation's resources: First, by advocating and promoting the withdrawal from use of needed resources; second, by defending rather than seeking to reform faults of administration; third, by advocating impracticable and unworkable legislation; and, fourth, by opposing legislation without regard to its merits which does not have the O. K. of certain influences.

CONSERVATION AS A FETISH.

I know of nothing more unfortunate in the political history of the past few years—I can not think of anything much less defensible—than the way in which the word "conservation" and a certain nebulous undefined theory so labeled has been used to boost private ambition, to exploit extravagant and impracticable propositions, to defend maladministration, and to prejudice the public mind, without argument or reason, for or against men or measures.

From the standpoint of the man who makes a fetish of conservation every fault of administration, every criticism of policies or measures, is fully answered by the simple process of damning as an anticonservationist him who has the temerity to criticize acts or policies. And these same gentlemen are always on the hair trigger to condemn and oppose or exalt and support men or measures according as they receive or are denied the conservation brand by the high priests of the cult.

PROGRESSIVES AND CONSERVATIVES.

I doubt if the gentleman from Kansas, looking for issues, will, after mature consideration, conclude to appropriate for his party every proposition, policy, and suggestion, however extreme, extraordinary, burdensome, or quixotic, made in the name of conservation. If he does, I assume he will consider it necessary for him to prove, to his own satisfaction at least, that the party of which he was long a member, which aided him with its support, has been and is consummately wicked in everything that appertains to or can be brought within the purview of the tremendously elastic term with which he proposes to conjure.

In connection with these matters I have just one or two suggestions to make. The first is that he will have no difficulty whatever in appropriating to himself and retaining for his party, if he desires it, all of the questionable credit to be secured through the defense and advocacy of certain things that have been done and certain things that have been proposed in the name of conservation. Neither the Republican nor the Democratic Party, nor any informed member of either, will, in my opinion, dispute with him a complete monopoly of support and approval of some of the acts and some of the proposals performed and proclaimed in the name of conservation.

Second. As I see with the eye of prophecy the no-distant day when the gentleman from Kansas and most of his now devoted followers will be endeavoring to feel once more perfectly at home and comfortable in the Republican band wagon, I realize that their comfort and enjoyment will not be enhanced by the recollection of charges or declarations, with flimsy foundation, hurled against the Republican Party.

THE FORESTRY POLICY.

In answering the speech of the gentleman from Washington the gentleman from Kansas seemed to admit many of the statements made and to make an effort to excuse the Forest Service on a plea of confession and avoidance. Being really a better conservationist than the gentleman from Kansas, without having made claims in that direction, I want to suggest that as much force as there is in many of the facts related by the gentleman from Washington, I doubt if all the inferences he draws from them are fully justified. I do not pretend to be personally informed as to the workings of the Forest Service in the State of Washington, but from some knowledge of the general situation it is my opinion that the service is perhaps not wholly to blame for the fact that the sales of timber in Washington are, compared with the amount the Government owns, pitiably small, for, undoubtedly, much of the forest is inaccessible. That the policy heretofore followed has not, however, been altogether a wise one is evidenced by the fact, to which the gentleman from Kansas called attention the other day, that very recently the service had largely increased its sales and contracts.

ARGUMENT OF SERVICE NOT SOUND IN ALL CASES.

The argument of the Forest Service in support of the policy of asking as high a price for stumpage as that asked or received by private holders of timber lands and thus restricting sales, to wit, that any reduction they might make would simply benefit the purchaser of the timber, who would not pass the benefit on to the consumer, is undoubtedly sound as it applies to certain regions and conditions; but that it is not defendable under all conditions I have pointed out on the floor in years past in relation to specific cases, cases in which the people of my State, my constituents, have been compelled to pay higher prices for their lumber than they would have paid, had the lands been in private ownership or, had the Government sold the stumpage at what had been the prevailing price before the Government established a monopoly.

Whether or no the bureau can justify its present stumpage rate in Washington I do not know. I have heard no serious complaint in my State along this line for some time past, but I think all will agree that as a general proposition it is the duty of the Government to use its enormous holdings with a view of keeping down prices rather than as though the Government were one of the timber barons, and the biggest of them all, selling its timber at the highest price it will command in virtual combination with other owners.

RESERVES INCREASE VALUE OF PRIVATE HOLDINGS.

There is no blinking the fact that the present ownership by the Government in reservation of vast areas of valuable timberland has had the effect of steadying and increasing timberland values generally, of raising stumpage values above what they would be if the Government were still disposing of its lands at a nominal figure, and the extent to which our forestry policy does this depends in a large degree upon the policy pursued in making sales.

It is true, therefore, that in a certain very important sense the inclusion of vast areas of valuable timberland in the Northwest States in forest reserves has steadied and increased the value of the lands held by the great timber barons. One does not need to be an expert in forestry to be able to realize that fact as being inevitable. This fact is not, however, necessarily one that condemns the policy of forest conservation, nor is it proof of the fact that it is unwise to hold these great timbered tracts in public ownership. It does, however, illustrate clearly why certain large timberland owners have been favorable to the Government holding vast areas in reserve. Having acquired large holdings themselves, they naturally prefer to have the Government hold the remainder rather than to have it in private ownership without adequate fire protection and increasing competition.

POLICY SHOULD BE TO SELL SO AS TO KEEP DOWN PRICES.

While it does not necessarily follow that because certain large interests are benefited temporarily, or possibly permanently, by the policy of forest reservation that the policy is necessarily wrong, it does emphasize the importance of so administering the reserves that the benefits which naturally and inevitably accrue to large timberland owners in the vicinity shall not be increased and emphasized by methods of administration. The reserves and their timber supply should, so far as practical, be utilized for the purpose of keeping down the prices which a private monopoly might be disposed to maintain.

LIEU-LAND LAW.

In the course of his remarks the gentleman from Washington made reference to the so-called forest reserve lieu-land law and called attention to the unfortunate character from a public standpoint of a large number of the transfers made under it, severely criticizing transactions which were highly beneficial to certain railway companies and other large owners of lands within forest reserves. The gentleman from Kansas in replying to some of these criticisms fell into the very curious error of criticizing the repealing act rather than the lieu-land law which the repealing act wiped from the statute books.

This is rather old straw, and it has been thrashed over to such an extent that it seems rather superfluous to discuss it further. I should not except for the fact that there are certain points involved in the discussion which I think should be cleared up in the interest of the accuracy of history.

I was not a Member of Congress at the time the sundry civil bill of June 4, 1897, which contained legislation relating to forest reserves, including the so-called lieu-land selection provision, was considered and enacted into law. I had been a Member of the former and became a Member of the succeeding Congress. A short time after the act was passed I became Assistant Commissioner of the General Land Office and therefore had some knowledge of the view taken of the act in the Land Office and of its effect the first 18 months after it was placed on the statute books. The gentleman from Kansas has quoted Mr. Lacey, then chairman of the Committee on the Public Lands, to the effect that the legislation was demanded by settlers who, finding themselves within the boundaries of forest reserves, desired to exchange their lands for lands outside the reserves in order that they might have the benefit of schools and other institutions, which they could not hope to have in a region where all further settlement was prohibited, there being at that time no provision for the agricultural entry of lands within the reserves.

SCOPE AND EFFECT OF LAW.

At that time Binger Hermann, of Oregon, was Commissioner of the General Land Office, and when the owners of lands within the reserves secured through railroad and other grants applied for the privileges of exchanging, he held that the privilege was not intended to apply to lands so acquired; but later Secretary Hitchcock held that the law did apply to all privately owned lands in forest reserves.

Mr. MURDOCK. Will the gentleman yield there?

Mr. MONDELL. Yes.

Mr. MURDOCK. Does the gentleman know whether or not the question was submitted to the Department of Justice or any one of its assistants?

Mr. MONDELL. I do not know.

Mr. MURDOCK. Who was the Secretary at the time?

Mr. MONDELL. Mr. Hitchcock.

The effect of this decision was to give an immediate exchange value to all of the lands in private ownership within the exterior boundaries of the reserves, and that exchange value depended largely on the value which was then placed upon the timberlands which could be secured through exchange. It is true that some of the privately owned lands, railroad and otherwise, within the reserves were heavily timbered, and therefore there was no incentive for their exchange except as the timber upon them was cut.

SAN FRANCISCO MOUNTAINS FOREST RESERVES.

The effect of the legislation was early appreciated in the Land Office, and after the Secretary's decision considerable care was exercised in creating reserves to exclude as far as possible land-grant lands. It was with that object in view that, upon the recommendation of Commissioner Hermann, the San Francisco Mountains reserve when created resembled a checkerboard, at least that portion of it within the land-grant limits of the Santa Fe Railroad.

The administration and control of the reservation thus created proved to be difficult and vexatious, and with a view of consolidating the reserve and at the same time avoiding somewhat the granting to the owners of the railroad land the full right of exchange which they would have under the lieu-land statute, Secretary Hitchcock entered into an agreement the effect of which was to allow the exchange provided by the statute without restriction as to about two-thirds of the railroad land-grant lands and restricting the exchange of the other third to localities in which there were no valuable timberlands. It also allowed the owners of these lands to cut under Government regulation the timber from certain of the lands then under timber lease before making the exchange.

The gentleman from Kansas [Mr. MURDOCK] said the other day that there was no contract, the inference being, I assumed, that there was no valid or binding agreement. It was as near a contract as the officers of the Government could well make it by agreeing to put the lands in reserve on the basis of an agreed plan of exchange. Secretary Ballinger, for some peculiar reason, in a communication which he addressed some years later to the Senate on the subject, said that there was no contract.

Mr. MURDOCK. I will say to the gentleman from Wyoming that that was the basis of my remarks.

The SPEAKER pro tempore (Mr. BUCHANAN of Illinois). Does the gentleman yield?

Mr. MONDELL. Yes.

Mr. MURDOCK. The basis of my remarks was that communication which Mr. Ballinger made to Congress.

Mr. MONDELL. I could never understand how Secretary Ballinger came to use that expression, unless it was that he feared that there might be some criticism of his predecessor if the word "contract," which was actually not used, was used to designate the exchange that was agreed upon. But, at any rate, the agreement was made and the owners, the railroad companies and the Aztec Cattle Co. and other cattle and land companies which owned the land, began to make the exchanges.

By this time it became clear, as Commissioner Hermann had stated in his reports, that the lieu-land law was a mistake, and on November 24 I introduced House bill 24866, which read as follows:

That from and after the passage of this act no public lands of the United States chiefly valuable for the timber they contain shall be subject to location or selection under the provisions of law providing for the location, selection, and patenting of lands in lieu of tracts covered by an unperfected bona fide claim or patent within a forest reserve, and any location or selection made or sought to be made on lands chiefly valuable for the timber they contain in lieu of lands within a forest reserve shall be void and of no effect.

I am of the opinion that it would have been better to have passed the law in that form rather than prohibit all exchanges, because there is no question but that it is well for the Government to have private lands not used or occupied by settlers, so far as possible, excluded from the reserves, where they are timber growing or timber producing, or where they are needed for the protection of watersheds.

When the bill was taken up for consideration in committee certain objections were made to it, one being that the measure, if passed in the form introduced, might prevent the completion of exchanges where lands had been surrendered and other lands selected. The officials of the Interior Department were of the opinion that exchanges under way would not be affected and would be, if found regular, perfected in any event. They did, however, express the opinion that the legislation would prevent the carrying out of the agreement which the Secretary had made relative to lands in the San Francisco Mountains Forest Reserve, and the legislation as reported, and as it passed the

House, excepted the lands covered by this agreement from the provisions of the act and also contained a provision specifically providing that it should not affect cases where the applicants for exchange had done everything that the law and regulations demanded them to do, but where the cases had not been finally passed upon by the department.

My recollection is that this action was taken upon the insistence of those representing settlers and other small transferees, who feared that the act might jeopardize their interests in spite of the assurance of the Interior Department that it would not.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Wyoming yield to the gentleman from Washington?

Mr. MONDELL. Yes; I would be glad to.

Mr. HUMPHREY of Washington. I would like to ask at this point whether any of this was railroad land that was afterwards exchanged when the transfer had not been completed?

Mr. MONDELL. There were all kinds of land in that condition. The gentleman will understand that the railroad companies themselves—that is my understanding of it, although I have never inquired into it carefully—the railroads themselves made comparatively few exchanges. The railroads generally, I think, sold their base lands, and other parties made the exchanges. It is true that a great many of these exchanges were for nontimbered public lands of comparatively little value. The lieu rights were used largely throughout the West by ranchmen and others for the purpose of taking up lands adjacent to their holdings. The farmers and stockmen took up 40 and 80 and 160 acre tracts here and there, and considerable of the land was absorbed in that way, although much of it was absorbed in taking valuable timberlands in the Northwest.

In a report made January 13, 1904 by the Acting Commissioner of the General Land Office to the Committee on Public Lands on H. R. 4866, concurred in by Secretary Hitchcock, the statement was made that there were over 3,500,000 acres within the primary limits of the land grants of the various railroads, wagon roads, and military roads subject to exchange in addition to an amount not possible to determine within indemnity limits. There were also large acreages of State school lands which were legitimate basis for exchange when in private ownership, and a large amount of these lands, possibly a half million acres, were in such ownership. After the legislation passed the House it went to the Senate, where it had many vicissitudes. Finally it came back from that body modified in this way, that instead of providing that there should be no exchanges for public timberlands it provided that there should be no exchanges at all. It did recognize the San Francisco Mountains agreement; and the amendment provided for by the conference report, to which the gentleman from Kansas referred, was the amendment which the Department held to be unnecessary, but which was adopted by the House—out of excess of caution, possibly—to provide that cases before the department which were regular should be completed.

Mr. MURDOCK. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. MURDOCK. Then, do we understand that the amendment to which I alluded which was offered in conference and accepted was the same amendment as the gentleman had previously offered in the House?

Mr. MONDELL. I will not say that it was the same amendment in actual words. I could tell by referring to it.

Mr. MURDOCK. Virtually the same amendment?

Mr. MONDELL. Virtually the same amendment. That is my recollection. I have not recently looked it up. I am stating it from memory, but I think it was in effect the same, though it did recognize rights down to the date of the passage of the act instead of the earlier date fixed by the House bill.

Mr. MURDOCK. The gentleman has spoken of the long delay in the Senate. What was the reason for that delay?

Mr. MONDELL. "The gentleman" is not acquainted with the doings of the Senate, and does not have official knowledge of the reason of the delay.

Mr. MURDOCK. As I recollect, the bill of the gentleman passed the House in April of one year and did not come back into the House from the Senate again until March of the next year, a matter of 11 months.

Mr. MONDELL. When the bill went to the Senate there was no action taken for some time, and then all of the House bill was stricken out and a composite proposition then pending before the Senate committee was substituted. It provided, among other things, for exchanges of like character and quality both as to soil and timber, but it related to a number of things. That was inserted in lieu of the House bill, and when that bill came before the Senate the Senate referred it back to the committee, and the committee then reported it out, striking out the House bill and inserting the bill prohibiting all exchanges. I am still of the opinion, as I was at the time, that it would have been better to pass the House bill, allowing exchanges so long as they did not take timbered lands.

Mr. HUMPHREY of Washington. Mr. Speaker——

The SPEAKER. Does the gentleman yield?

Mr. MONDELL. Yes, Mr. Speaker.

Mr. HUMPHREY of Washington. I do not wish to anticipate the gentleman's speech, and if I am doing so it will be perfectly agreeable to me to wait until the gentleman reaches that point; but if not, I want to ask if it was during the time that this bill of which the gentleman speaks was pending in the Senate that the transaction took place about the 240,000 acres in Montana, where the Northern Pacific Railroad is alleged to have received 240,000 acres of practically treeless and practically worthless land included in a forest reserve that was exchanged for timbered lands?

Mr. MONDELL. My recollection is that while the legislation was pending there was a considerable addition to a forest reserve in southern Montana, and that there was a considerable amount of railroad land in the land so included, and that it did not contain timber of any considerable value, although a large part of it was mountainous, broken land, with some scrubby timber upon it. I think that was the last of the inclusions of railroad land before the repeal of the act. The act in amended form became a law March 3, 1905.

Had I been in Congress at the time the law was passed, I probably would have been impressed as were others with the necessity of allowing settlers to make exchanges, there being then a comparatively small amount of railroad and other grant lands in the reserves. When the necessity became apparent for the modification or repeal of the law, my thought in introducing the bill was to prevent any more valuable timber lands to be taken in exchange. Without regard to the merits of the agreement which the Secretary of the Interior had made relative to lands in the San Francisco Mountains Forest Reserve, the probability is that that agreement could have been enforced as a claim, and having been largely executed, its recognition was seemingly imperative. The repeal of the act as to other lands put an end to exchanges which would have aggregated three or four million acres, at least.

Some features of this matter illustrate how men with the best intentions in the world may become unwittingly parties to transactions not in the public interest. They illustrate the importance of being careful and conservative even in the advocacy of general propositions which, in the main, may be entirely praiseworthy. So anxious were some forest-reserve enthusiasts to extend the area of the forest reserves that they did not always scrutinize carefully the motives and interests of those who urged establishment and enlargement of reserves. Furthermore, many of those who were the most earnest advocates of a very wide extension of reserves believed that extensions should be made, even though in the consolidation of the reserve the Government did not, in the first instance, make a good trade. This is illustrated in a statement in a letter from Mr. Pinchot, then Forester in the Agricultural Department, to Commissioner Richards, of the General Land Office, under date of September 3, 1903, which the gentleman from Washington [Mr. BRYAN] placed in the RECORD of June 3.

Referring to certain exchanges for lands in a California forest reserve, he said:

> I am strongly of the opinion that even at the cost of a relatively poor bargain by the Government, which from the present situation I apprehend is not to be feared, it would be wise to make the exchanges.

While I do not entirely disagree with the view thus expressed, I am of the opinion that greater care should have been exercised by those responsible for recommending and urging the establishment and extension of reserves to see that lands recommended for inclusion did not include considerable areas of comparatively nontimbered lands in private ownership.

Mr. BRYAN. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BRYAN. Does not the gentleman believe, in order to be fair to himself and Mr. Pinchot and to those who may read the RECORD, that this sentence which precedes the sentence which the gentleman has read from Mr. Pinchot's letter should also go in the RECORD:

> I am informed that Mr. Washburn has agreed to take untimbered land in one of the Dakotas for his holdings back of Santa Barbara.

Mr. MONDELL. That is to be inferred from what I read. Mr. Pinchot said in his statement I read "that in the present situation" he did not apprehend poor bargains were to be feared, and still as a general proposition he took the view that exchanges should be made even though the bargain might

be a poor one. I am inclined to think it was in the case he referred to.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. HUMPHREY of Washington. The one particular criticism that the gentleman from Kansas [Mr. MURDOCK], it seemed to me, urged the other day in regard to what I said was that I had asserted that these exchanges were made with the consent of the Forest Service. I think I am paying the gentleman a well-deserved compliment when I say that no man in the House is more familiar with these transactions than the gentleman from Wyoming [Mr. MONDELL], and I would like to ask him this question: Has the gentleman ever found anywhere where these exchanges—the San Francisco Mountain exchange and the Great Canyon exchange, or any exchange made with the Northern Pacific—where there was any opposition to that transfer which came from the Forest Service or from Mr. Pinchot?

Mr. MONDELL. Mr. Speaker, that is a pretty large contract which the gentleman from Washington places in my hand. As to many of these forest reserves, I know no more as to who recommended their establishment than does the gentleman from Washington. I know something about what happened while I was in the Land Office and from hearsay I know what happened with regard to some other reserves, but when you say the Forestry Service, of course you are using a very broad term. At the time this act passed and for several years thereafter there were two forestry services. One was the Forestry Service in the Agriculture Department and the other was the Forestry Service in the Interior Department, and while they were entirely separate and the two of them were in frequent clashes, still they were more or less in harmony, sometimes more and sometimes less, and the Forestry Service in the Agricultural Department was constantly making recommendations—men in the service and those interested in the subject—with regard to these reserves.

The gentleman need not confine his statement to the Forestry Service. He will remember that the board that arranged the establishment of the 15 reserves that were established the last year of Mr. Cleveland's administration was composed, I think with one or two exceptions, of men not connected with the Forestry Service either now, then, or at any time. They were all of them high-minded, patriotic gentlemen, honest to a fault. They recommended some very extraordinary territory to be put into forest reserves. They probably did more to harm the forestry-reserve policy for several years than all of the enemies of the policy put together, because their recommendations were made from palace-car windows, and they did not in every case include lands that ought to have been included, and they did in some cases include lands which ought not to have been included in the reserves; and that was so patent that Congress for a year suspended those reserves, and finally they became effective, only to have their boundaries largely changed later.

I can not do more than to reiterate what I have said, that I think many men, who I think are honest men, allowed their zeal to run away with their judgment in the matter of creating reserves, and without intending to do so they became unwittingly the aids of men who for improper purposes were trying to have reserves created, to wit, in order that they might have lieu-land rights; and it all illustrates this, that in human affairs it is often hard to draw a dividing line between what is absolutely correct and virtuous and what is harmful and ill advised. I should not be disposed to criticize any of those gentlemen at all at any time if it were not for the fact that some of them are tremendously prone to criticize other people for doing things which they think are entirely proper.

Mr. HUMPHREY of Washington. Mr. Speaker, will the gentleman yield again?

Mr. MONDELL. If the gentleman will be brief, because my time is running and I have not even started.

Mr. HUMPHREY of Washington. Mr. Speaker, I will try and make my statement specific. My colleague from Washington, Mr. BRYAN, thought that I unduly criticized Mr. Pinchot. I certainly had no intention of doing so, and I therefore want to ask this specific question of the gentleman [Mr. MONDELL], who is perhaps more familiar with these records than anyone in the House: From the time of the creation of those forest reserves in Arizona until the law was passed repealing the lieu-land law, has the gentleman ever seen in the records anywhere any protest coming from Mr. Pinchot against any of those transfers or exchanges by the railroads of land in various reserves for land outside?

Mr. MONDELL. Well, I do not recall I ever did, but still it does not follow there might not have been cases of that kind. Possibly Mr. Pinchot did not deem it his duty to oppose.

Mr. HUMPHREY of Washington. I am not arguing it was. I wanted to know the facts. That is what I am trying to ascertain in regard to these matters.

Mr. MONDELL. I do not pretend to be fully informed, but my recollection is as I have stated. I reiterate that in all of these matters I am always inclined to think that men in public life act from honest motives. I have seen very few exceptions—very few cases where public men did not act from proper motives in what they did.

THE FOREST-RESERVE POLICY.

The gentleman from Kansas [Mr. MURDOCK] in the course of his very interesting remarks, to which I have referred, referring to the forest-reserve policy, gave Mr. Pinchot and ex-President Roosevelt exclusive credit for the establishment of that policy and stated that in it they had little or no sympathy from the leaders of the Republican Party. I have no disposition to take from either of these distinguished gentlemen any proper credit for any useful or helpful thing which they may have been instrumental in aiding or accomplishing. We are all free to recognize the useful, helpful, and patriotic services of the ex-President to the people in many lines. The ex-Forester advocated and accomplished some good things, and all these services were while the gentlemen were Republicans; they have had no opportunity for public work as officials since they left the party. But when the gentleman from Kansas gives these gentlemen credit for the establishment of the policy of national forest reserves he is not speaking accurately.

It may be interesting to briefly sketch the inauguration and the growth of the national forest reserves. In 1890 Commissioner Groff, of the General Land Office, serving under Secretary Noble and in the administration of Benjamin Harrison, suggested legislation reserving mountain timberlands, and reporting on a Senate bill in March of that year recommended that woodlands and timbered areas, which for climatic, economic, or public reasons required the protection and supervision of the Federal Government, should be reserved from disposition under the general land laws. In March, 1891, President Harrison signed the bill which provided, among other things, for the creation of forest reserves. Within a year 6 reserves were established, and before the close of President Harrison's administration 15 reserves were established, containing approximately 13,000,000 acres.

UNDER CLEVELAND AND M'KINLEY.

During the first three years of the succeeding administration of President Cleveland 3 reserves were established, containing 4,500,000 acres, and in the last year of his administration 15 new reserves, with an area of approximately 20,000,000 acres, were created. During President McKinley's first term 13 of the reserves last referred to, which had been temporarily suspended by act of Congress, became effective, and 12 new reserves were created. So that when the Agriculture Department, in February, 1905, was given supervision of the reserves they were 59 in number, containing nearly 63,000,000 acres. Some 22,000,000 acres, in addition, had been examined and were soon thereafter included in reserves, making 83 reserves with over 85,000,000 acres at the time the Agriculture Department, or the Forest Service in that department, succeeded to the management of the reserves.

TRANSFER OF RESERVES.

For some time before the transfer of the reserves there had been considerable friction between the Land Office, in control of reserves, and the Forestry Division under the Agriculture Department. It was thought at one time that this friction might be overcome by the transfer of the Forestry Bureau to the Interior Department. There were a number of obstacles and objections to such a transfer, and largely in the interest of harmony and in the hope of a more satisfactory administration of the reserves, I introduced the bill which became a law February 1, 1905, as I have stated, transferring the forest reserves to the Agriculture Department. Not only were many reserves covering a vast acreage thus transferred to the Forest Service in the Agriculture Department, but prior to that time practically all of the important legislation now in force affecting the management of the reserves, except the forest-reserve homestead law, had been placed upon the statute books. While the administration of the reserves in the Interior Department was not in all respects satisfactory, looking back upon it now the work of that department in forest protection and in many features of administration, carried on with an appropriation of

from $100,000 to $300,000, seems under the circumstances to have been remarkably effective.

At one time and another since the reserves were transferred to the Agriculture Department I have severely criticized certain features of administration. I did that particularly at a time when it was very unpopular to do so; but I have never at any time favored or suggested the abandonment of the public control of large areas of forested land and lands protecting watersheds in the West. On the contrary, my criticisms have all been in the hope of calling attention to and remedying certain evils of reserve creation and administration. Certain of these evils were possibly temporarily inevitable.

The present management of the reserves has to a considerable extent removed a very definite ground of complaint by the elimination from reserves lands the reservation of which served no public purpose, but retarded settlement and development. I have never approved the elimination of heavily timbered lands from the reserves; on the contrary, I have frequently in years past criticized the failure to include certain of such lands in reserves.

THE SERVICE AT THIS TIME.

The service is also, so far as my personal observation goes, making an earnest effort, and with some considerable success, in removing causes of complaint as to acts and methods of administration. I am of the opinion, however, that there is plenty of room for improvement, particularly in the direction of active and effective sympathy and aid to those of small and limited means, farmers, miners, and others, who in one way or another seek to acquire rights upon or utilize the resources of the reserves as Congress has provided they may do. We need a fuller realization of the fact that the reserves are for use, and that it is the duty of officials to encourage rather than to discourage their proper use. I would suggest to all friends of a national forestry policy that that policy will be best served by urging and assisting in improvement of administration rather than by wholesale condemnation both of the arguments and the motives of those who may criticize.

STATE VERSUS NATIONAL CONTROL.

An effort has been made of late to stampede honest but uninformed friends of a national forestry policy into believing that there is a concerted and widespread movement, sinister in its purpose, on foot to transfer the reserves to State control, and this bogie man is constantly raised as the only answer made to criticisms of the service and its policies.

I do not pretend to be fully informed as to what the general public sentiment in all parts of the West may be in this regard, but I believe that there are comparatively few people who think it would be wise or practical at this time, or at any time in the appreciable future, to transfer the reserves to the States. For one thing, most of the States in which forest reserves are located are not in a financial position to assume and carry properly the burden of the reserves, and I think few of the people desire to assume the responsibility.

I do not object to those transfers on the ground that the people of the States are not to be trusted to honestly administer them. In my early days in the West the cowboys used to say of a particularly despicable fellow, "He is ornery enough to rob his own trunk." I have never thought the people of the sovereign States of the Union were subject to that kind of criticism. I do not think the people of the Western Commonwealths are going to rob their own trunks. I do not think they would squander their reserves; if they would, then self-government in the twentieth century is a failure, for if the people can not be depended upon to govern themselves under that Government where rests the greater part of their sovereignty, then there is not any hope for self-government anywhere. So I do not oppose transfers on the ground that people are going to squander their patrimony. I do oppose it on the ground the States can not afford it in many instances, and in other instances they have not and it would be difficult for them to speedily secure the machinery to operate the reserves. Further, as is pointed out by the Oregon conservation commission in a little pamphlet I got the other day, there are some questions connected with the reserves that are nation wide or at least interstate, and it would be rather difficult for the States to administer the reserves for that reason.

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

Mr. MONDELL. Mr. Speaker, I do not know how long it will take me to conclude, but I would like to have permission to conclude my remarks. I think it will take me something over half an hour.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to be permitted to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. MONDELL. In so far as there may be a sentiment in favor of State control, the only way to effectively meet it is by careful consideration of all reasonable complaints and criticisms and by earnest effort to remedy faults that may exist. An improving service, which, whatever may be its faults, I believe the Forest Service to be, is likely to incline people to hope for further improvement under National rather than try the experiment of State control.

THE PUBLIC DOMAIN.

I have taken up more time than I had intended in the discussion of forest reserves, for I desire to discuss at some length other matters pertaining to the public domain which fall within the all-embracing term "conservation."

As a matter of fact, while the forest reserves are of vast importance in their relation to the general welfare in many Western States, the reserves are of relatively less importance and interest to the people of those States than are the numerous problems and questions which relate to the acquisition, development, and use of the mineral and nonmineral public lands. In many regions of very great extent there are no forest reserves. The great majority of the people are seldom brought in direct contact with the problems which the forest reserves present. Most of them are never directly affected by the reserves or the methods of their administration. On the other hand, the problems of the acquisition, development, and utilization of the public lands is one that quite directly affects the great majority of the people of the regions in which the lands are located.

When one talks "conservation," therefore, in the public-land States they conjure up in the minds of their hearers all sorts of public-land problems, and it certainly is not the fault of the people out there that the mental picture "conservation" calls up is one of lands and resources locked up and numberless vexatious, exasperating, and well-nigh insurmountable obstacles placed in the way of the use and acquisition of such lands as remain unreserved.

I do not believe for a moment that any considerable number of those who favor whatever in their minds represents conservation desire a system under which the condition of the settler, farmer, stockman, miner, oil driller, and others seeking to develop lands and resources shall be one of extreme exasperation and difficulty. Possibly they find it hard to understand just how the preaching and practice of the most extreme form of conservation can seriously affect people claiming rights under law.

EFFECT OF CONSERVATION ON ADMINISTRATION.

The fact is that those charged with responsibility in the administration of the land laws have been so impressed with the extreme doctrines taught and extreme views expressed in the name of conservation that they have been consciously or otherwise affected in their whole attitude toward public-land questions. No department or bureau officer or clerk has ever lost his job or his reputation by construing the law against those desiring to secure rights on the public domain. On the other hand, the clerk or official who can discover some new or novel excuse for preventing the establishment of rights or titles is the envy of his fellows and marked for popularity and promotion.

Furthermore, it is natural and inevitable that among those whose permanent or temporary employment depends upon an extension rather than a curtailment of Government activity there should be some having a disposition, conscious or otherwise, to lengthen rather than shorten the scope of the activities in which they are engaged; and, finally, as perfectly ordinary, simple, and convincing cases pass along without any comment and only those less worthy or perfect or involving special questions of public policy attract special attention, a naturally suspicious disposition soon comes to assume that perhaps after all the best service is rendered by those who withhold rather than those who permit the enjoyment of rights the law confers. If in this state of mind among administrative officers and clerks you have what seems to amount to a public sentiment that rights on the public domain should be greatly curtailed and a like-minded influence of a less public character, one does not have to have a lively imagination to conjure up a condition under which claimants before the bureaus having to do with the public domain have a hard time in securing the rights and benefits the law was intended to grant them.

ALL FOR PROPER CONSERVATION.

All right-minded people believe in a proper conservation of all our resources, both on the public domain and elsewhere. We believe we are better conservationists who insist on justice under the laws and guarded and orderly development than those who really create monopoly and promote injustice by tying up resources and making the way of the settler, always a hard one, still harder.

At one time and another I have taken up with the Interior Department practically every cause for complaint by set-

tlers on the public domain. I have made many speeches on the subject, some of which have been held by some people to indicate that I was not at all in harmony with what they were disposed to call "conservation." In December, 1911, I wrote a letter to President Taft, which I propose to put into the RECORD, if I may be allowed to do so, and which I feel I am justified in doing now, the gentleman having passed from public life, in which I called his attention to certain features of the administration of the land laws of which our people bitterly complained, and desired a betterment of them. I am frank to say that whoever might have been to blame, we did not get very much relief. I am frank to say that in the main, so far as relief through administration was concerned, things went from bad to worse. In the meantime, however, Congress has passed some liberalizing legislation affecting agricultural land and entries which has been very helpful.

Complaints with regard to the administration of the public land laws are of a vast variety, and I do not want you to lose sight of the fact that this constant agitation of some undefined thing known as conservation has been the most powerful of all the factors in bringing about a frame of mind in the department and among department officials under which it is entirely conservative to say that every statute is construed, so far as it can possibly be, in a way to make it difficult to secure the rights which it provides, and that, on the contrary, if there is any ambiguous language in the statute, or a hazy court decision anywhere, that can be found to make the perfection of rights and claims difficult, you can depend upon it that there is some ambitious person around in the department who will find it, and demand that it shall be made the rule in all cases. In these days he is a brave man, secretary or commissioner, who dares suggest to any clerk in his bureau that a certain construction of statutes is illiberal and shall not therefore be adhered to. They have in mind, no doubt, certain things that have occurred; how certain gentlemen have been criticized; have temporarily, at least, lost their reputation; how these questions have been made political in many cases. And, as I said, it is a brave man who, under these circumstances, dare do right.

CHARACTER OF COMPLAINTS.

These injustices are as numerous as the stars and as diversified as they are in magnitude, and one would need a week and not an hour to discuss them. It happens that many of the complaints come to me because of my believed familiarity with public-land questions and the fact that I have been on the Committee on Public Lands, and was for some time its chairman; perhaps by reason of the fact that I have been at times very emphatic in my statements in regard to these things. Referring again for the moment to forest reserves, I want to emphasize this, that never since I have served in this House have I had what ex-President Roosevelt used to call a "big man"—meaning a man of wealth and large influence—make complaint to me about a forest reserve or the Forest Service—not one. On the contrary, on one occasion when I criticized the service for putting an upset price on stumpage much above what stumpage had been considered worth in the locality, the man who had the contract was much provoked for my mentioning the fact. He said, "It was none of your affair; I was perfectly willing to pay that price, and you have gotten me into trouble." I would not care to say—because the gentleman perhaps exaggerated—what he claimed happened to him because I criticized the Forest Service for charging too much for stumpage. He said, "I can get a fair price for my lumber, because there is none other in the country, and I do not know any reason why you should dip in." I told him I dipped in because it was the interest of my constituents I was looking after; that his business enterprise did not interest me. The incident illustrates the fact that the trouble has been with the little fellows.

And so it is in the main with these public-land questions, and I presume that is true of the experience of every Member of Congress from the West. A railroad company, a great land company, if they have troubles with the department, have people they can afford to pay to look after them. The men we hear from are the small fellows, the men who find it difficult to pay an attorney or who find it impossible to employ one, and who appeal to their Congressman for aid.

UNWISE WITHDRAWALS.

Now, how do these difficulties arise? They began to multiply about the time the public lands of the country first began to be largely withdrawn. I am not going to discuss the propriety of those old withdrawals. I made a speech very severely criticizing the coal-land withdrawals of June, September, and October, 1906, and it is not necessary to go over that ground again. But that withdrawal was not necessary to accomplish what was sought to be accomplished.

As a matter of fact, after six months of pleading, we secured a modification of the order, which still left the order as effective as it was before, so far as the object sought was concerned, and that object was to prevent the acquisition of coal lands. But in the meantime thousands upon thousands of settlers had the statutory period run upon their entries, and had difficulties in making proof. Many of the people were unable to make entries or to go on with improvements. A thousand and one difficulties, some of which are still trailing their slow length through the departments, arose from that unwise action—unwise in the way in which it was done.

There was no authority at that time for withdrawals. Possibly there was a condition that justified the kind of a withdrawal which the modifying order left. The Republican Party, true to its adherence to a proper policy of conservation, put on the statute books a withdrawal act which made withdrawals legal. And under that act President Taft made a great many perfectly legal withdrawals—more than he should have made, in my opinion, in the interest of conservation.

POWER SITES.

The gentleman from Kansas [Mr. MURDOCK] the other day in the course of his remarks criticized ex-Secretary Ballinger for having restored a lot of power sites. I do not know whether he restored any real power sites to entry or not. I know he did not in my State. He restored a lot of land to entry that the most enthusiastic conservationist, if he had been on the ground, would not consider power sites. For instance, at one time I began to get letters from people on the Big Horn River in my State—from homesteaders, Carey Act entrymen, desert entrymen, men who wanted to open a roadside stucco plant, and others—stating that the country was all tied up. I went to the department to find out what the trouble was.

I found that a tract of approximately 3 miles wide, about 1½ miles on each side of the river, for about 125 miles, zigzagging and following the sinuosities of the river, had been withdrawn. I asked a certain official how he came to do that. He said, "I would rather not discuss that matter with you." As a matter of fact, I am of the opinion he did not want to make that withdrawal—was instructed to. There was not anywhere within that 200,000 acres a tract of land that anybody, I imagine, ever can use for a power site, except at one point, and that was retained in reservation.

The probability is that that will never be utilized, but it is a possible point for power development. Otherwise the stream is a perfectly placid, slow-flowing stream, up there in a broad valley, which you could not under any circumstances utilize for the development of power. And now that it has been restored, no one has secured any power rights on it, or sought to secure any power rights on it, many a settler has completed his land entry on the banks of that river, and at one point some gas wells have been developed for the supply of two small towns. A railroad has come down there and gotten a right of way over a part of that land, a few miles of it, and the ordinary industries of the country have gone on.

That reservation was made just a few days before Mr. Garfield went out of office. It is hard for me to believe that he would have made that reservation if he had expected to remain in office. It is very, very hard for me to believe it. All I did was to make a map of it and place it on the Secretary's desk with the letters of the fellows who were affected, and say, "Please look at that," and walk away. A large part of the withdrawn land was covered with some sort of a claim that was unperfected.

So much for that.

Mr. TAYLOR of Colorado. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. TAYLOR of Colorado. Unfortunately, I have been absent from the Chamber during a portion of the gentleman's address, which I otherwise would have been very happy to hear. I wanted to ask whether or not the gentleman had made any suggestions as to remedies by legislation, in the interest of the settlers?

Mr. MONDELL. I am coming to that.

Mr. TAYLOR of Colorado. The reason I have made this inquiry is because, unfortunately for our committee, and I think unfortunately for the whole western country, the gentleman from Wyoming has severed his connection with the Public Lands Committee, for which we are all sorry; and I think I speak for the whole committee in saying that we would be glad to receive suggestions from him along the line on which we know he is so capable of enlightening us.

Mr. MONDELL. The gentleman is very kind. I served for a long time and with a very great deal of pleasure on that committee, and gave a great deal of time to its work. The latter

part of my service was at a time when this same feeling that I have discussed was running rampant, and it was pretty difficult for us to get anywhere, to accomplish anything really worth while, although we did greatly improve many of the land laws, and particularly the laws relating to agricultural settlement. Much progress was made in spite of adverse sentiment.

DECISIONS AFFECTING AGRICULTURAL LANDS.

Now, what are the difficulties before us to-day? First, a great variety of questions that I shall not stop to discuss at length relating to agricultural settlement. There have been a very considerable number of decisions curtailing and reducing the rights and privileges of settlers. Why, within the last 18 months we have had decisions that overturned the uniform practice of the Land Office for 40 years, and against which no one, as far as I know, ever uttered a note of protest. And more recently we have had other rulings which reduced to the minimum the benefits to the settler and magnified to the maximum the requirements placed upon his devoted head. The decisions under the desert-land law have been most trying, the delays under many classes of titles most vexatious.

I am somewhat hopeful of this new administration, and I serve notice now that I propose to give it credit for all it will do in the way of affording proper relief. I do not want to ask the administration to do too much, for fear somebody will say the administration has got in bad by following after these wicked anticonservationists.

In spite of the extreme so-called conservation sentiment which in many instances would withhold all rights to the public domain, Congress has liberalized the homestead laws very greatly in the last few years, and I want to emphasize this fact, that in doing it we have had no aid or comfort that I can recall, although we have not had serious opposition in every case, from the gentlemen who particularly pride themselves on being conservationists, either in the enlargement of the homestead area, in the reduction of the period of residence, or in the other improvements that have been made in the statute.

TIMBER AND STONE ACT.

We have heard much of the timber and stone act. No doubt it was the means of passing much valuable timberland into private ownership that should have remained in public control, but of late years there has been but little valuable timberland outside of reserves, and people have sought to utilize the law to secure lands containing scattering timber adjacent to their agricultural holdings. Some of the land sought has had very little value for timber or stone; in fact, for anything except grazing. When an application is made to purchase under the law the tract is inspected by an agent of the Land Office, and an almost universal complaint is that if the land has any considerable amount of timber it is appraised above its value. If it contains but little or no timber and is not of immediate value as a stone quarry the entry is denied, because it is not valuable for timber or stone. Under such an administration of the law not much land is sold, though the public interest would be served by selling such lands and putting them under taxation and private protection.

ISOLATED TRACTS.

I shall not trespass on your time to discuss the question of the sale of isolated tracts, as I shall put into the RECORD, along with other letters on public-land subjects, a letter I recently delivered to the Secretary of the Interior on this subject.

REPAYMENTS.

No feature of recent administration of the public-land laws reflects less credit on the Government than the rulings and decisions denying to those who have made payments for public lands the return of their money in cases where the claim or title to the land is denied. In these cases the Government retains both the land and the money the entryman offered in payment for it. As usual, this sort of bunko game is justified on the ground that it is in accordance with the intent of Congress. This retention of an entryman's money along with the land he sought to acquire is conservation with a vengeance.

MINERAL LANDS.

The mineral-land claimant is often a man of some means, able to hire a lawyer, and so a Member of Congress does not hear directly from his constituents so many complaints of administration as in the case of agricultural entries; but those cases he does hear and know of fully illustrate the refinement of the policy of exasperating delay, microscopic examination, and seeming reluctance to part with an acre of public lands which characterizes the mineral-land administration more, perhaps, than any other.

Mr. TAYLOR of Colorado. I want to ask the gentleman if it is not true that in the three or four years that he and I served on the Public Lands Committee no one from the West ever sought to have that committee report out a bill granting the public lands of the West to the public-lands States? And is it not also a fact that the ultraconservationists have been trying most desperately through nearly all of that time to pass the bill at present known as the Lever bill, seeking to withdraw from entry all the public domain for the purpose of leasing it for long periods of time? And have not the American National Live Stock Growers' Association, of which Mr. Jastro is the head, and whose company own 150,000 head of cattle—have not that association, along with Mr. Pinchot and Mr. Gray and a few other distinguished gentlemen, been most ardent advocates of that bill, and have they not repeatedly been before our committee for that purpose?

Mr. MONDELL. I think the gentleman is a little extreme in his statement that the Lever bill would directly withdraw, or that it contains any provision directly withdrawing, land from entry.

Mr. TAYLOR of Colorado. I did not mean that.

Mr. MONDELL. The gentleman is of opinion that the effect of it would be to largely discourage settlement, and that has been my opinion in regard to it. Some good people have thought that it was a good thing, and many men who own large herds of cattle think it is a good thing. It is true that many men who call themselves conservationists have favored the leasing of the public grazing lands, a measure which a great many people believe would be a fatal blow to settlement and development. There is ground for difference of opinion, we all realize. It is also true, as the gentleman from Colorado says, that no proposition for the transfer of the public lands to the States has been before the committee.

COAL LANDS.

Now, passing for a moment from that question, which the gentleman from Colorado and others will have to wrestle with, and I shall not until it comes on the floor of the House, although I may appear before the committee and make a few observations, let us go to the coal-land situation. We are now in another atmosphere. We have left the domain of the settler, with whom all of us sympathize, and we have gone into the domain of the coal baron. While all coal operators are not barons, as I have discovered at one time or another in my life, the trouble with the present coal policy is that the Federal Government has constituted itself and is in fact the greatest monopolist in the world, and following the example of other monopolists, it has out-Heroded all of the monopolist Herods that ever came down the pike. The Government, unlike other large landowners, does not need the money, is not paying interest or taxes, and therefore it puts a price on coal lands that would fairly stagger one.

I do not criticize the policy of coal-land classification and the sale of coal lands at a classified price. As a matter of fact, I discussed and favored it before it was adopted, although I do not want any credit for its adoption. For a time a reasonable policy was followed, and a price was placed on coal lands high enough to discourage purchase for speculative holdings and not so high but that a man could go into the coal-mining business in a large or a small way. It did not have the effect of absolutely preventing development, but there came classification and reclassification and reclassification until coal lands in some parts of the West are now classified as high as $500 an acre, and because in one place where a mine has been opened and the coal was at the end of opened entries they did sell a small tract for near that price, the argument is made that the price is not excessive. The price is so high that no one but a millionaire can open a coal mine or get coal land in the vicinity of transportation on the public domain. That coal runs all the way from the brown lignites of the Dakotas, running through all the grades to semianthracite, some of which is found in Colorado. In the main it is what the department calls "subbituminous." An illustration is the Pleasant Valley coal in Utah, the Rock Springs and Cumberland coals in Wyoming, and certain coals in Colorado and Montana. But there are other things about coal-land legislation. The gentleman from Kansas, the other day when upon this point, spoke of the Cunningham cases.

OPENED AND IMPROVED A MINE.

I probably know less about the Cunningham cases than most people except those who talk the most about them. I have read little of the evidence regarding them. I think the only thing I read carefully in connection with them was the letter of the Pinchot brothers to the President protesting against the patenting of the entries. While I am on that point I want to refer to a statement made by the gentleman from Kansas the other day, in which he was not entirely accurate, to the effect that the Land Office had at one time ordered the expedition of the cases with a view to issuance of the patents. I think that

Mr. Pinchot himself made that statement at one time, but afterwards corrected it as being inaccurate. The Land Office, as a matter of fact, when the controversy arose, was proceeding to investigate the entries, and they had been held up so far as patent was concerned.

But referring to the Alaska decisions, the other day I had a curious illustration of their effect. A coal miner—I do not know him, but I have letters from others who do know him and vouch for him as being a good, honest man, though I do not know that it is entirely necessary that a man shall have a certificate of character in order to take public land; but assuming that it is necessary, this gentleman, I am sure, can secure it. This miner made application, having saved a little money, for a preferential right to buy 40 acres of coal land. In pursuance of his rights he dug into the vein, squared it up, I think timbered it a little; at any rate got it into shape so he could take out and did take out some coal. He did not, it is true, open a mine and run a railroad in and spend a lot of money which he did not have. In fact, there was little market at that time. When he came to offer his money in payment for the land there was a protest against it, another party claiming the right to purchase because the entryman had not "opened and improved" a coal mine in accordance with the decision in the Alaskan cases. We have been disposing of coal lands for 25 years. Wherever a man found a piece of coal land and opened up the vein and found what it was and said he wanted to work it as soon as he could, and he wanted to pay for it, it was sold to him; but the law does say he shall have opened and improved a coal mine, and if you can construe that to mean a large developed mine, you see what the effect is on our friend the miner. The Land Office did not think that they ought to hold him too closely to the Alaskan decision, but the Secretary's office thought differently, and unless the new Secretary shall overturn the decision of the late Secretary that miner can not get that 40 acres of coal land; and he was proposing to pay a classified price for it, remember. It is not taking the lands of the public domain without giving something for them.

Mr. TAYLOR of Colorado. Will the gentleman yield for another interruption on that subject?

Mr. MONDELL. Yes.

Mr. TAYLOR of Colorado. Has this kind of a case been called to the gentleman's attention, where lands have been classified, say at $50 an acre, and then the man goes and opens up a coal mine and offers to buy it, and is notified he can have it at that figure; then he goes ahead and spends a large sum of money on it, and when he comes to prove up to have the department tilt the price up $200 an acre and tell him he can not have the land unless he pays the additional price after he has spent $3,000 or $4,000 in the development of the claim?

Mr. MONDELL. Oh, yes; but what do you expect of a department official with the air full of shouts of conservation, the air full of charges that Government officials have not gotten all out of the public lands in every case that should have been secured? Under these conditions the man had what he assumed to be a vested right. It would be a contract right if the Government were an individual, and before he has completed the contract and made the last payment, or perhaps after he has made payment—I think there have been such cases after payment has been made—some official of the Government comes along and guesses that the coal land ought to be worth more money than the original appraisement, and tilts the price double and sometimes treble what the man was to pay in the first instance. What is the official charged with responsibility to do? Is he to lay himself liable to some sensational charge that he is aiding and abetting the looting of the public domain; that he only received $2,000 for a tract of land that somebody in the Government service had guessed was worth $5,000? His job is secure, and no man outside of those who hate injustice will criticize him if he takes the safe course and says, "Well, I guess you will have to pay the increased price." Yes; I think there have been cases such as the gentleman from Colorado refers to, and they have not, to say the least, reflected credit on the Government.

If a public official has the courage to say that a contract is a contract and that it makes anarchists for a government to go back on its contracts, he is liable to be criticized; he is liable to be condemned as an enemy of the public. That has been the trouble. I have not blamed some of these men so much when I have realized the conditions which surrounded them. I hope we are reaching a day when it shall not be a cause for criticism if a man deals fairly by those who do business with the Government, and that it shall not be a cause for promotion because a man discovers some peculiarly ingenious way or scheme whereby a law may be tortured into making the way of him who does business with the Government relating to the public lands more difficult.

PHOSPHATE.

We have heard of phosphate withdrawals. We heard the cry a few years ago of how the country was going to the demnition bowwows because the phosphate lands were not withdrawn. A very good gentleman from Wisconsin made a speech down here before a conservation congress, and before that night one or two or three million acres were withdrawn out in Utah and Wyoming. Phosphate lands, as a matter of fact, need withdrawal for the protection of the public just about as much as limestone does. But I am not criticizing the withdrawal of known phosphate deposits, even if done in the interest of the distant future. There is no demand for the western phosphate now at all. Where they have been withdrawn they are practically valueless so far as any present market for phosphate is concerned. I have no disposition to criticize the withdrawal of a reasonable area, large areas, all of them, for that matter, that are actually known and are, in fact, valuable for phosphate; but, Lord, when you come to take in millions of acres, including the irrigable and irrigated valleys, preventing the perfecting of entries and preventing their being entered, on the ground that from one to five thousand feet beneath the fertile soil there may be some phosphate, it does not appear reasonable, to put it mildly.

In some instances, when you ask why lands are withdrawn in blocks of 100,000, 200,000, or 300,000 acres, you are told it is because in examining geological atlases of years ago they have discovered that in that territory there is a limestone which, some 25 years later, at a distance of some 400 miles on the other side of the Continental Divide, they found contained some phosphates. That is not overdrawing it at all. That is the statement. Is it any wonder that real conservation loses friends when things like that are done in the name of conservation?

A lot of these withdrawals are immaterial in a practical way. Nobody desires to utilize the lands except as the herdsman grazes over them, but many of them are lands to which men want to acquire agricultural rights upon, valley lands, which have been withdrawn because over on the other side of the Continental Divide they recently found phosphate in a limestone of the same character that the Geological Survey maps of 25 years ago proved existed there. There is no phosphate, so far as anyone knows, but possibly it is underlaid by the same old limestone that perhaps contains limestone several hundred miles away.

LIMITED TITLES.

We made appropriations to have those lands classified; few are restored or examined for restoration. It is suggested that we could cure the whole thing by providing for limited entries reserving the phosphate. Well, I have no objection; in fact, I favor legislation that will allow the agricultural ownership of lands known to contain mineral, excepting the mineral from the grant to the farmer. I introduced the bill which became a law for limited patents under agricultural entries of coal lands. To apply that principle generally and everywhere is not pleasing to the American farmer; it is not pleasing to American citizens of any sort or kind anywhere. They want their titles in fee, and while some may not think that is important—to please the American people in the character of their titles—I think that a man taking land that has no reasonable indication of containing mineral, where it is a thousand-to-one shot if it does contain mineral, it is not fair and just that he be compelled to take a limited patent.

As a matter of fact, if mineral is finally discovered on such land, I do not know of anyone that it is more in the public interest to have own it than the farmer who owns the soil. I do not know of any better condition than such as they have in Illinois, where the farmer owns the coal under his land. We are not to have that condition out West in the future. I introduced the bill that separates the coal from the balance of the estate where coal is known or believed to exist. As to land giving no sign of mineral character, if the land is held in small tracts I think the public welfare is best conserved by having the ownership in fee in practically all cases, even in the few cases where mineral may some day be found.

I shall not refer further at length to water-site withdrawals, for I referred to those a short time ago; but it is true that there still remains withdrawn as water-power sites many lands that never, under any circumstances, could be utilized for the development of water power. We need restorations and we need legislation for the use of these lands. I have introduced a bill which I believe is along the right lines.

ONE KIND OF POWER SITE.

I have been having some considerable correspondence with some settlers who desire to make homestead entry in the valley of one of the larger streams of my State. These lands were formerly located, but conditions were at the time adverse, and the people gave them up. Since then the land has been withdrawn as a power site. Making inquiries in regard to the matter, I am told that it is in the realm of possibilities that some day these lands may be submerged should anyone seek to build a dam at a point 4 or 5 miles lower down. There is no prospect that anyone ever will. If it is feared that power might be developed by such a dam, to the great damage of the public, that can be prevented by the simple process of holding the dam site in withdrawal. What is done, however, is to prevent the only settlement possible in the region on the theory that some distant day somebody might want to build a dam and submerge these lands. The fact that in such an improbable case, under our Wyoming law, the lands could be legally condemned does not seem to have occurred to those responsible for the withdrawal. Some day a dam may be built at the Great Falls of the Potomac, above this city. Would it have been wise to prevent, from the beginning of settlement hereabouts, the use of these lands? Here there may be some question of the right to condemn; out West there is none.

The House has already been more than kind and patient with me, and while I should like to discuss a lot of these other questions at length I shall not do so now, but shall close with a few suggestions as to what may be done to better conditions. First of all, we want a better administration; we want a fairer administration. Of all of the things that are indefensible in public administration, the worst is the attitude of an administrative officer that because a law is not as he thinks it ought to be he will make it practically inoperative in order to compel a change.

OIL LANDS.

That is the difficulty with the oil-land situation in my State and surrounding States. Oil land may be taken under the placer acts; at least that is the law. It is said that it is not a satisfactory law. Possibly it is not in all respects in all localities. And yet, taking everything into consideration, under all the conditions, it works fairly well. They say a man can take too much land. It is the same old law under which men worked out placer deposits in narrow gulches, and if a man could acquire all creation under it they would have done it in those cases.

Congress has not seen fit to change the law. In the meantime there may be localities where the law is not working well, where it is very patent that it is not, where its tendency is to create a monopoly. If there is any such place—I do not know—but if there be, then there no doubt is a justification for the withdrawals.

But this is the situation in my State, so far as oil lands are concerned: We are away off yonder, so far from all large centers of population that our oil deposits—deposits which we believe to exist, of which we have indications—have not been sought as have been the deposits of the surrounding States nearer the centers of population until quite recently, although we began the development of oil 25 years ago. In quite a number of places much money was expended years ago with comparatively little returns. But for the last three years people have been looking in our direction—not the Standard Oil; the Standard Oil does not drill wells. It leaves that kind of hazardous business to venturesome souls who engage in it in early youth and continue on to the grave. They have been seeking these fields. They have been locating lands. They have been leasing from people who have located. One would think the Government would encourage that sort of thing, there being a law providing for it, but, no, the agents of the Government haunt the water tanks, the sidetracks, and roost on the wayside fences, watching an oil derrick as it comes into the country and withdraw the lands around it the minute they find where the heroic and venturesome souls propose to spend their money.

Men do find oil even under such circumstances. It is oftentimes a hundred-to-one shot so far as the first location is concerned; but fail or win, they have no adjacent territory that they can develop; it is withdrawn.

VILLAGE GAS SUPPLY.

Fifteen years ago a man attempted to find some gas near a small village in the center of our State, at that time 200 miles from a railroad. Two hundred miles over the mountains into that arid valley he carried his drill and set it up on a piece of shale absolutely and utterly worthless and valueless unless it did contain something down below, and most of it did not. He finally, after much drilling, found some gas, but he could not with his limited means utilize it. It was 10 miles from a town of 1,500 people, and 2 miles from a town of 300 people. He could not even supply the nearby town, much less the other.

It took three or four years and a number of transfers to finally pass that oil land and some surrounding land into the hands of people who had money enough and courage enough to go on with the work. They finally got more gas. They piped the gas into the town 10 miles away, and into the town a mile and a half away, spent an enormous amount of money and displayed extraordinary courage and energy and enterprise. They patented several quarter sections of land, but on all the patented lands they could not get gas enough even for the small towns they had to supply. The wells proved to be inadequate. They have, however, one or two claims, including the claim on which gas was first found, to which they have been trying to get a patent for years, and they do not care to drill any more there until they do get a patent. They have had three separate and distinct investigations by agents of the department sent 300 or 400 miles to make them, and they do not know now whether they are going to get their patent. Somebody somewhere has heard of a decision which may raise the question as to how that company was organized away back yonder when it put its money into that enterprise; and if there is any way in which a statute or a decision can be distorted and tortured to prevent the men who have put their money into it from getting their title, I have no doubt but what some one connected with the Government will attempt to have it done.

SALT CREEK FIELD.

In the central part of Wyoming we have a field where some oil was found 25 years ago; lubricating oil, and not much of it. Finally some people went in five or six years ago 65 miles from the railroad out on an arid, salt, sage flat and put down some wells at great cost and found some good oil and piped it out 65 miles to the railroad. Immediately all the surrounding land was withdrawn, including much that had been claimed, drilled, and prospected for years, and that enterprise which might grow and prosper and develop is held back. It can not increase. The price of oil is going up, but you can not develop any in Wyoming, because the land is withdrawn.

A law is on the statute books which says that a man can secure title to oil land by doing certain things involving large expenditure and paying the Government for the land. There is a withdrawal act which says that for certain purposes land can be withdrawn; but it does not provide that the President shall have the power to say that land acts of Congress shall be null and void. That is what these withdrawals amount to.

If there was any probability or possibility of monopoly, there would be some justification, but there is not. Nobody claims there is.

MOORCROFT FIELD.

The other day I received a petition from some people in the northeastern part of my State, where 30 years ago an old fellow pulled in over the mountains a spring-pole outfit and the rope and chains necessary and put down a well and got a little oil. They have been trying for 25 years to get oil in paying quantities, but have not succeeded. Recently further and careful investigation has developed the location where oil in paying quantities can probably be found, and capital was found which was willing to go in and make the expenditure. There is not another oil development in 100 miles; but when they got the drills there and started to work, or got ready to work, the land was withdrawn, and the drills stand on the sidetrack and the communities stand still. There is no development. Some people may think it is lovely to live in a country where you can get public lands. Under such conditions a man would thank God if he could live in a country where lands were privately owned in order that he might go on with enterprises.

NO OIL MONOPOLY.

Nobody, so far as I know, is proposing any oil monopoly or wanting one. Even though this extreme conservation sentiment must be placated, there ought to be some way whereby at least some territory can be developed. Of course they say, "pass a leasing law." It does not occur to me as being quite the proper thing under a republican form of government for administrative officers to say to a Congress: "We will repeal your laws, and we will prevent development until you pass the kind of laws we want." What if they did not fancy such a law as Congress might enact. Would it in turn be nullified by withdrawal.

REMEDIES.

What are we going to do with regard to the matter? First we ought to continue in an evolutionary way still further to extend the farming homestead and the grazing homestead in regions where land can not be generally cultivated.

We ought to have some legislation under which purely grazing lands, nonmineral, valuable for no other purpose than grazing,

can be purchased or leased—purchased preferably—so that farmers and stockmen can round out their holdings and have some fenced pasture. They can not fence the public domain, because it is against the law and a violation of the statute which would be liable to land them in the penitentiary.

We need coal-land legislation, and because we need it is no reason why the present policy should be followed. We will have to have oil-land legislation, because the placer acts do not fit all conditions; but because there should be some legislation along this line is no reason why the law now on the statute book, where it tends to orderly independent development, should not be allowed to operate.

We may have to do something with phosphate. I think we ought, out of abundant caution if for no other reason, to retain a large amount in public ownership. There is no reason why vast areas that some one guesses may have phosphate under them 1,000 feet below the surface should be withheld and the settler prevented from securing his title.

There is a demand that new legislation as it affects nonmetalliferous mineral land should be of a leasing character. There is not very much encouragement to bring in leasing legislation when conditions are as they were when the Alaskan coal-land leasing bill was before the House. I was not fully persuaded that a Federal leasing policy was the wisest one when I was the chairman of the Committee on the Public Lands, and yet I felt that there was such a demand for a trial of that policy that it was my duty to present a proposition of that kind to the House. Furthermore, it was suggested to me by a number of the leaders on our side, among others the present floor leader of the Republican Party, that it was our duty to attempt to solve that problem.

The Committee on the Public Lands brought in a bill providing for the leasing of coal lands in Alaska. In my opinion it is the best bill—and I do not say it because I drafted the original bill—the best bill that has ever been presented on the subject, and if we finally legislate on the leasing of coal lands in Alaska my opinion is that we will pass just such a bill.

It protects the public interests, it makes it possible, in my opinion, to carry on the work of developing the resources of Alaska. It came before the House on February 23, 1911. Those who believe in conservation—no; I mean those who make a fetish of conservation—opposed it and criticized it. There were some unfortunate occurrences in connection with the consideration of it, but the only reason why the coal-land situation in Alaska is not settled, and has not been settled since February, 1911, provided an equitable leasing law will settle it, is because the extreme conservationists would not have it. At that time there was much of politics in conservation, so called.

For information I shall place the Alaska coal-land leasing bill I have referred to in the RECORD. It is as follows:

A bill (H. R. 32080) to provide for the leasing of coal lands in the District of Alaska, and for other purposes.

Be it enacted, etc., That all lands in the District of Alaska containing workable deposits of coal are hereby reserved from all forms of entry, appropriation, and disposal, except under the provisions of this act: *Provided*, That nothing herein contained shall in any manner affect any claims or rights to any such coal lands heretofore asserted or established under the land laws of the United States, and all such claims and rights shall be treated, passed upon, and disposed of as though this act had not been passed.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, for and on behalf of the United States, to issue licenses granting the holders thereof the right to prospect and explore for coal on the vacant public lands in the District of Alaska and to execute leases authorizing the lessee to mine and remove coal from such lands. No license shall pertain to an area of more than 3,200 acres, and no lease shall pertain to an area of more than 2,560 acres, and all such areas shall be in reasonably compact form and conform to the public-land surveys in all cases in which said surveys have been extended over the lands. No prospecting permit shall be issued for a longer period than three years. All licensees shall pay in advance a fee of 25 cents per acre for the first year covered by their license, 50 cents per acre for the second year, and $1 per acre for the third year. Lessees shall pay in advance a rental of 25 cents per acre for the first calendar year, or fraction thereof, 50 cents per acre for the second year, and not less than $1 and not more than $4 per acre for each succeeding year. The sums paid for rent by a lessee shall in every case be a credit upon the royalties that may be due for the same year. All lessees shall pay a royalty on each ton of 2,000 pounds of coal mined, as follows: From the passage of this act until the end of the calendar year 1920, not less than 3 cents nor more than 6 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 8 cents per ton; for the succeeding 10 years, not less than 5 cents nor more than 10 cents per ton; and thereafter as Congress may provide. All leases shall be granted for such period as the lessee shall designate, but in no event for more than 30 years; but all lessees who have complied with the terms of their leases shall have a preferential right to an extension of their lease for a period not to exceed 20 years upon such conditions and the payment of such rents and royalties as Congress may prescribe.

SEC. 3. That any person over the age of 21 years who is a citizen of the United States, or any association or corporation composed of such persons, may apply for a permit to prospect for, or a lease to mine, coal in the District of Alaska, and upon compliance with the provisions of this act and the rules and regulations promulgated thereunder shall be granted a license or lease as provided herein, but no person, association, or corporation, or stockholder therein shall, during the lifetime of such permit or lease, receive or be permitted to hold, directly or indirectly, any other permit, lease, or license, or any interest therein, to coal lands in Alaska under the provisions of this act.

SEC. 4. That applications for prospecting licenses and mining leases, and all payments on same, shall be made to such officer and in such manner as the Secretary of the Interior may designate, and in all cases where more than one application shall be received for a license or lease covering the same area, in whole or in part, preference shall be given to the qualified applicant who shall show prior possession with a view of acquiring title to coal lands or prospecting for or mining coal, and reasonable diligence in applying for such license or lease, but the holder of a prospecting license shall have a preference right, during the period of his license, to apply for and obtain a mining lease to the lands covered by his license: *Provided*, That the Secretary of the Interior may adjust the boundaries of conflicting applications in such manner as will best promote the public interest.

SEC. 5. That all applications for licenses or leases shall describe the lands applied for according to the public-land surveys or private surveys which may have been approved by the United States surveyor general, or if on unsurveyed land by description by metes and bounds and reference to natural objects or permanent monuments as will readily identify the same. No license or lease shall be issued until after publication of the application therefor at least 30 days in some newspaper of general circulation in the land district in which the land is located and an opportunity has been given for the hearing of any protests which may be made during the period of publication against the issuance of such license or lease, and no lease covering unsurveyed land shall be issued until a survey shall have been executed, at the expense of the lessee, by or under the authority of the Secretary of the Interior, permanently marking the out-boundaries thereof and subdividing the same according to the rectangular system of surveys. Licenses may be canceled by the Secretary of the Interior after reasonable notice for failure to pay rent when due.

SEC. 6. That all leases issued under the provisions of this act shall be upon the condition that the lessee shall proceed with due diligence to open a coal mine or mines on the leased premises and to produce coal therefrom during the life of the lease in such quantity as the condition of the market shall justify. That the lessee shall not during the lifetime of the lease receive or hold, directly or indirectly, any other lease under the provisions of this act or interest therein. That he shall not monopolize, in whole or in part, the trade in coal. That he will at all times sell the coal extracted from the leased premises at just, fair, and reasonable rates, without the giving of rebates or drawbacks, and without discrimination in price or otherwise, as between persons or places for a like product delivered under similar terms and conditions. That the mining operations shall be carried on in a workmanlike manner with due regard to the permanence of the mine, without undue waste, and with especial reference to the safety and welfare of the miners. That the leased premises and all mines opened thereon and all maps and records of coal production shall at all times be subject to inspection and examination by such officers as may be provided by law or designated by the Secretary of the Interior for such purpose. That the lessee shall observe, abide by, and conform to all of the provisions and limitations of this act, and that he shall pay promptly all rents and royalties when due; and the Secretary of the Interior or any person in interest may institute in the United States district court for division No. 1, District of Alaska, appropriate proceedings for the enforcement of the terms of the lease or for its cancellation for violation of the terms thereof or of the provisions of this act. Appeals from the decisions of the said court shall lie to the United States circuit court of appeals for the ninth circuit. Said leases shall also be upon the condition that the United States shall, at all times, have a preference right to take, wherever found, so much of the product of any mine or mines, opened upon the leased land, as may be necessary for the use of the Army or Navy or Revenue-Cutter Service, and pay such reasonable and remunerative price therefor as may be fixed by the President, but the owner of any coal so taken who may be dissatisfied with the price thus fixed shall have the right to prosecute suits against the United States in the United States district court for division No. 1, District of Alaska, for the recovery of any additional sum or sums claimed to be justly due upon the coal so taken.

SEC. 7. That no lease shall be granted or issued until the applicant shall have given a bond to the United States in such sum and with such surety as the Secretary of the Interior may prescribe for the payment of the rents and royalties and for the due and faithful compliance with all the terms and conditions of the lease. The existence of such bond shall be no bar to the institution of a suit for the enforcement of the terms of the lease or for its cancellation for the violation of the terms thereof or the provisions of this act, and a judgment of forfeiture of the lease shall be no bar to the enforcement by legal proceedings of the bond given in behalf of the lease.

SEC. 8. That no license or lease shall be assigned, mortgaged or sublet, except to a person, association, or corporation qualified to receive and hold an original license or lease under the provisions of this act, and with the written permission and approval of the Secretary of the Interior; and whosoever succeeds to the interest of the licensee or lessee by foreclosure, purchase, or assignment shall be subject to all the limitations and obligations contained in the license or lease or in this act.

SEC. 9. That a license or lease may be terminated at any time on the application of the licensee or lessee and the payment of all rents and royalties which may be due, but no lease shall be terminated until the Secretary of the Interior shall have had an opportunity to have an examination made into the condition of the property and such reasonable provision shall have been made for the preservation of any mine or mines which may have been opened on same, as he may require. Upon the cancellation of the lease or its expiration, or upon the forfeiture thereof and the satisfaction of any judgment rendered in the decree of forfeiture and the payment of all rents and royalties due, the retiring lessee may, under the supervision of the Secretary of the Interior, remove or dispose of all of the machinery, buildings, or structures upon the leased premises, except such structures as may be necessary for the preservation of the mines.

SEC. 10. That no prospecting license issued under the provisions of this act shall give the licensee the exclusive use of any of the lands covered by his license, except for the purpose of prospecting and exploring the same, but all lessees under the provisions of this act shall enjoy the exclusive use of the surface, providing that this exclusive use shall in no wise interfere with the establishment and use of all necessary roads and highways, so located as not to interfere with the mining operations, and the granting by the Secretary of the Interior of such rights of way across such lands as may be necessary for use

in the production, handling, or transportation of coal or other products of the District of Alaska.

SEC. 11. That the Secretary of the Interior is hereby authorized to issue limited mining leases to applicants qualified under section 3 of this act, and to municipal corporations, a tract not exceeding 160 acres in extent, and covering a period not exceeding 10 years, for the mining of coal for use in the District of Alaska. Such limited leases shall, in addition to the above limitations, be subject to all of the conditions of the general leases issued under the provisions of this act, except that a renewal of such lease shall be discretionary with the Secretary of the Interior and that the acquisition or holding of such limited lease shall be no bar to the acquisition or holding of a general lease provided for in this act, nor shall the holding of a general lease be a bar to the acquisition or holding of a limited lease.

SEC. 12. That 75 per cent of all the moneys derived from licenses and leases granted under the provisions of this act shall be paid into and constitute a part of the "Alaska fund" in the Treasury of the United States, provided for and created by the act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, and may be expended for the purposes described in said act; and the residue of the moneys derived from such licenses and leases shall be paid into the Treasury of the United States and constitute a part of the general fund of the Treasury.

SEC. 13. That the reservation contained in section 1 of this act shall not prevent the location and patenting of lands containing workable deposits of coal under the mining laws of the United States with a view of extracting metalliferous minerals therefrom. But licenses and leases provided for in this act may be issued without regard to the fact that the lands may be covered by mining locations, and the Secretary of the Interior shall provide by appropriate regulation for the observance by licensees, lessees, and locators of the respective rights of each: *Provided*, That all patents issued under the mineral laws to such lands shall reserve to the United States all the coal contained therein, together with the right to provide for the prospecting for and mining of the same.

SEC. 14. That the act of February 4, 1887, entitled "An act to regulate commerce," and all acts amendatory thereof, are hereby extended to and made applicable to the District of Alaska in so far as the transportation of coal is concerned; and for the purpose of administering said acts in Alaska with regard to the transportation of coal, the jurisdiction of the Interstate Commerce Commission and of the Commerce Court is hereby extended to the District of Alaska. That the Secretary of the Interior is hereby authorized and directed to make all necessary rules and regulations in harmony with the provisions of this act needful and necessary for the administration of the same.

LEASING LEGISLATION.

We shall probably to a certain extent adopt the policy of leasing. I do not look upon it as being wise and satisfactory beyond all question, and yet I would be very happy indeed if it were possible to provide that all the remaining coal, oil, gas, and phosphate lands in the West should remain in public ownership leased by the States. I shall probably be labeled as an anti-conservationist for declaring in favor of the State doing this work. It is a curious thing; I have never been able to understand it, but the same people who call themselves conservationists with a big "Con," with a capital "C," are the same people, or many of them, who on all occasions insist upon their complete confidence in the people. The people, in their opinion, are to be trusted always. I believe that. The final judgment of the people is the voice of God in matters of government as near as we get it. The final judgment of the people under our form of government is best secured in the State where the major portion of the sovereignty of the people resides. In this, the forum of the Nation, we stand with shortened and limited authority, but back yonder in the States the people are clothed in all the authority of sovereignty. Everything of sovereignty, save the limited power delegated to the Nation, rests and resides with the people in the States. If the people in the States can not be trusted, what foundation is there for the faith so loudly proclaimed by gentlemen who make a fetish of conservation, at the same time proclaiming their loyalty to the people?

STATE CONTROL.

There are many reasons why it would be a wise policy for the State to retain and lease mineral lands. The State has complete police power and jurisdiction, and there would rise none of those questions of conflict between the national jurisdiction and the State police jurisdiction which a national leasing system would raise. I do not know just what would happen in the case of a coal-mine strike if we had a lease law under Federal control. I think there would be quite a question there, and possibly not a fortunate or satisfactory one; but with the mine completely under the control of the people in the State that question could not arise.

Whether it is wise that the Federal police power shall be extended or not is another question, but that the problem would arise under Federal leases there can be no question at all. Further than that, the States now supervise the mines. They must under our form of government. They would continue to do so. The States are entitled to the revenue, not but that I think the States would get it under a Federal-lease law. I think there would be enough influence that Congress would probably pass over to the States a little more than the Federal Government would ever get clear out of the mines, just as we now do in one way or another in the matter of the forest reserves.

The probability is, however, that legislation for State leasing of public lands and resources could not be accomplished at this time, and therefore if we are to try the experiment of leasing it will have to be, in all probability in the first instance, the experiment of Federal leasing. I am hopeful that the problem can be worked out in some satisfactory way. I want to make just this suggestion: Those who desire to aid in the solution of these problems should remember that the easiest way and the surest way to defeat the settlement of the problems in a fair and workable way is to be extreme in their demands one way or the other. That is the rock on which we have split in the past. That has been largely the difficulty. I do not charge anyone who has honestly conjured with the name of "conservation" with any intent to prolong the agony and extend the time of complete solution, but I do know that, intentionally or not, the extreme view and theory of conservation has made it more difficult than it otherwise would have been to solve these problems in a way that anyone believing in conservation through use would consider satisfactory.

Mr. BRYAN rose.

Mr. MONDELL. I yield to the gentleman.

Mr. BRYAN. Before the gentleman takes his seat will he be kind enough to state whether his position is friendly or unfriendly to the proposed investigation as suggested by the pending resolution offered by my colleague?

Mr. MONDELL. Oh, I have not thought very much about it. I do not imagine the Forest Service itself would object to it. It has been very fashionable of late to investigate everybody, and if anybody desires it I do not know why anyone would object to having it passed along to the Forest Service. I will say, however, to the gentleman that I have never myself been very much given to investigations. I prefer constructive work. I have been on several investigating committees, but I have not the spirit of the sleuth and detective to a sufficient degree to make that sort of thing particularly alluring to me. I certainly shall not stay awake nights either to urge or prevent it.

Mr. BRYAN. Does the gentleman think a sleuth or detective would undertake that investigation?

Mr. MONDELL. Well, I do not know. There are people who honestly believe it would be an excellent thing for the service. I have not any doubt but what the gentleman's colleague does think that it would be for the good of the service. It may be. I do not pretend to be informed, and I am not passing on that proposition.

It is for that side of the House to decide as to investigations, and if they decide on this one, of course we will have to participate in it as a minority, and I suggest that perhaps the gentleman from Washington, Mr. HUMPHREY, and the gentleman from Washington, Mr. BRYAN, could appropriately be on the committee as representing the same view of this highly important subject. [Applause.]

EXTENSION OF REMARKS.

Under leave to extend his remarks, Mr. MONDELL presented for printing in the RECORD a letter he wrote President Taft on December 11, 1911, in regard to certain features of administration of the land laws.

The letter is as follows:

DECEMBER 6, 1911.

The PRESIDENT,
White House, Washington, D. C.

MY DEAR MR. PRESIDENT: On the occasion of your recent trip through northern Wyoming I imposed upon your patience to the extent of referring briefly to some features of the present administration of our land laws which a large majority of our people who are affected by and acquainted with the same believe give them just ground for complaint.

There is in my State a widespread opinion touching our land administration to the effect that the agencies provided by law for the purpose of aiding in the disposition of the public lands in accordance with the letter and spirit of the statutes have, in a considerable measure, been converted into instrumentalities whose primary object and purpose seems to be to make it as difficult as possible for the citizens to avail themselves of the opportunities afforded by the land laws and to discourage the acquisition of public lands.

I desire to emphasize the fact that this regrettable condition of public opinion is widespread and exists to a very great extent throughout the Intermountain States, and as one who has had wide opportunities to become familiar with conditions in the field and in the department, I regret to say that in my opinion there is much of foundation for it.

It is, I think, generally believed, and with reason, that in relation to some classes of cases the Secretary's office has to some extent corrected practices and decisions of the Land Office, of which bitter complaint has been made, but in the meantime entrymen have had their entries suspended for months and years and have been compelled to incur heavy expense in attending hearings and perfecting appeals. If it is not a fact that every doubt and technicality is resolved and construed against the entryman in the General Land Office, that office certainly has a great grievance against public opinion in the public land States.

In a letter of this kind it is manifestly impracticable to go into details in regard to the vast variety of policies and practices that have been complained of; they mostly have their root in the view I have referred to, that the first and primary purpose of the Land Department

is to make the acquisition of public land difficult, and incidently furnish employment to a large number of people. I feel, however, that I owe it to you to refer in some detail to certain classes of cases.

HOMESTEAD.

Much has been said by the extreme advocates of permanent government ownership of lands, relative to restrictive laws with relation to the disposal of mineral and timber lands, but these people have not cared to undertake the unpopular task of crying down the homesteader. Our land administration, however, has steadily increased his burdens and curtailed his privileges.

Some time since the conditions surrounding the commutation of homestead entries were made very trying, but I and those who hold the views I do made no special complaint of this—except as made retroactive—as we believe it tends to promote permanent settlement, which we desire. Still the fact must not be lost sight of that this action constituted the denial of privileges which had been enjoyed from the passage of the homestead law.

Quite recently, however, a decision has been promulgated from the Secretary's office which reverses the rule of constructive residence on five-year homesteads, and as such are the only class allowed under recent legislation the decision affects nearly all homesteaders. From the beginning of the homestead policy it was realized that after the homesteader had left his former home, traveled far, and selected his new one, some time would inevitably elapse during which he would be winding up his affairs at the old home and preparing the new one for his family, during which time a strict compliance with the law as to residence could not be expected. In order to meet the conditions of this period of transit a rule that for the first six months after filing the entryman would be held as being constructively on the land was adopted, and has been followed ever since. Up to the time the opposite rule was adopted and applied, even to those who had taken and held their land on the strength of the old and long established rule, I never heard a complaint of it. Iowa, Nebraska, Kansas, Minnesota, the Dakotas, and all the other public-land States and Territories were homesteaded under it; and no man raised his voice, so far as I know, in protest because under the rule it sometimes occurred that a homesteader actually resided on his land with his family but four years and six months instead of five years. Is it strange that the homesteaders of to-day, confronted with harder conditions than homesteaders have heretofore encountered, should wonder why they should be the victims of a harsh rule for which there has been no public demand and which can serve no purpose save to embitter the people it affects and cause those of us who have lived among homesteaders all our lives to wonder what it is all about?

TIMBER AND STONE ENTRIES.

There is no doubt but what some land has been acquired in times past under the timber and stone act not of the character contemplated by the law. That is, the necessities of farmers and stock men for pasture, lambing grounds, and watering places has led them to make entry of land of some value for those purposes, but of little or no value for the timber or stone it contained. This fact, however, does not, in my opinion, warrant the expenditure of large sums of money in the attempt to secure the restoration to the public domain of such tracts, which are not fit for cultivation and of trifling value for any purpose.

Neither does it, in my opinion, justify a policy which, not content with placing on the timber which such a tract may contain a stumpage price fixed by an employee of the Land Office, often in excess of a reasonable valuation, insists if the land be nontimbered and claimed for its stone value on proof being furnished that an immediate and paying market exists for the stone. In the matter of the timber and stone act the position of the Land Office seems to be that if the land is practically worthless they will refuse to sell it at the statute price and will exhaust the resources of the special service to prevent its being sold.

COAL LANDS.

I have recently had some correspondence with the Secretary of the Interior relative to the classified prices of coal lands. As my object is to have the facts understood by the Secretary and not to enter into a wordy controversy, I shall not take that question up further than to reiterate that while I freely admit that it has not been the intention of any Government official having to do with these matters to create a monopoly in the hands of present owners or to raise the price of coal in the public coal-land States, the effect of the policy adopted has been to a considerable measure to bring about those results. There are other features of the coal-land policy, however, to which I desire briefly to call your attention.

I have in mind a typical instance in which some coal miners who had saved a little money were trying to open a small mine. Improvements of considerable value were made; but before entry of the tract the price had been increased to such a figure that they could not raise the sum necessary to buy 160 acres without giving some sort of a pledge to a local bank. Though the Government was asking a very high price for its land and the parties had expended a considerable sum in opening a small mine, they were informed they could not enter under these conditions, and the mine was closed. The great company operating in that field still has a monopoly. In another case, because several coal miners who had saved up some money are claimed to be jointly interested in the purchase of a 40-acre tract—which, perhaps, all had contributed to improve—one of them who applied to purchase at a high classified price is now confronted with adverse proceedings. The little mine is in jeopardy, and the great corporation which now controls the field will continue to have no competitors if this entry is canceled.

There is a considerable class of coal cases to which I have heretofore called the attention of the Secretary of the Interior in which, in my opinion, the decisions of the General Land Office savor of sharp practice, and certainly involve a repudiation of the acts of local Government officers, in harmony with long-established practice and not contrary to law. Some of these cases are now before the Secretary of the Interior for decision. Some are held in the office of the commissioner awaiting the Secretary's action on the cases before him.

With variation of detail the cases are about as follows: Qualified entrymen made application to purchase coal lands at the price which had been placed upon them by classification. Advertisement was had and the parties were notified by the local officers of the Land Office (registers and receivers, appointees of the President) that within a certain period, which they designated as the 30-day period after publication, they must complete proof and pay for the land. Within the period thus fixed by the President's appointees, local officers of the General Land Office, proof was completed and payment made.

In the cases I have reference to, it happened that subsequent to the application to purchase, in some cases subsequent to the payment of the money and completion of proof, a new classification had been made and the price of the land increased generally to a prohibitive figure; and then it was discovered in the Land Office that in these cases the 30-day period fixed by the local offices, within which proof must be completed and payment made, extended a few days (in all cases, I think, less than a week) beyond an actual 30 days after the last date of publication of proof notice in the local paper, and that payment had been made a day or two or three beyond the actual 30 days after the last day of publication, though within the period fixed by the local offices.

The regulations of the department under the coal-land law provide that "The claimant will be required within 60 days after the expiration of the period of newspaper publication to furnish the proofs specified in said paragraph and tender the purchase price of the land," and my understanding is that this period has always been the period fixed by the register and receiver until these coal-land cases came up, and a different construction would defeat the entry. The fact that the local offices, in sending notices for publication to newspapers at a distance, can not be certain as to what issue of a weekly publication will contain the first, and consequently the last publication, has resulted in the fixing of a period which in any contingency will give the claimant the full 30 days. I think there is no denial of the fact that these cases are the first in which an entry has been denied on these grounds.

SPECIAL SERVICE DIVISION.

Although the General Land Office has been generously provided for in the past few years, its appropriation for field service being now and for some years between three and four times what it was formerly when we had vastly more public lands, the work of the office in certain classes of cases is far in arrears, and an investigation of the records will disclose the fact that the increased appropriations have been more effective in creating new cases than in clearing up old ones.

The way in which new cases are created is highly interesting. For instance, many hundreds, perhaps thousands, of cases which should have been closed out in accordance with the provisions of the act of March 3, 1909, "Protection of surface rights of entryman," and the act of June 22, 1910, "To provide for agricultural entries on coal lands," were dumped into the Special Service Division of the Land Office and slowly ground out at great expense to the Government and loss and hardship to the entrymen. Recently an order has been issued referring to the Special Service Division for investigation all desert-land proofs made on lands within areas which have been designated by the Secretary of the Interior as subject to the act of February 19, 1909, enlarged homestead act. No single valid reason can be given for subjecting such entrymen to the delay in securing title which such action involves which would not apply with equal or greater force to all desert entries. From the standpoint of prompt and economical administration, I am of the opinion that there can be no valid reason or excuse for the expense and delay involved in sending into the field for examination, in advance of office examination, cases in which all the papers are before the office, an examination of which would in all probability, in the large majority of cases, clearly indicate full compliance with law.

It is no doubt unfortunate that such a policy should strengthen the view held in the West that those primarily responsible for suggesting its adoption were, unconsciously or otherwise, more concerned in making cases for the Special Service Division than in properly promoting and safeguarding the passing of public lands into the hands of settlers in accordance with the law. I have frequently expressed the opinion that excessive appropriations for special service simply tempts the making of trivial and vexatious cases and subjects the entrymen to long drawn out contests with the Government. I believe the record abundantly proves that such is the fact.

I have repeatedly protested against the present practice of special agents in protesting and holding up entries and proofs without notice to the entrymen of the fact or cause of suspension. Any special agent of the department can and does, for any reason which seems good to him or for no reason at all, write "protested" on the proof papers of an entryman and by so doing suspends his proof indefinitely. Of course, there is no limit to the number of cases that can be thus created. The loss and hardship to entrymen through this practice can not be estimated. It is intolerable.

WITHDRAWALS.

In the matter of hasty and ill-considered withdrawals, there has been much improvement, though there is still reasonable and proper ground for complaint in regard to some old withdrawals. As to some of these, such as the power-site withdrawals, I realize that until a policy in regard to the matter is adopted the President would not be justified by public opinion in making sweeping restorations. There are cases, however, where withdrawals of alleged power sites are so manifestly retarding irrigation development and so seriously affecting the rights of those whose plants are, in the main, on land in private ownership as to demand prompt action.

Much complaint has reached me from those who are attempting to develop new oil and gas fields in my State to the effect that as soon as development work is started in a given locality, the agents of the Geological Survey appear and forthwith the land surrounding them is withdrawn from entry. Although such withdrawal does not necessarily prevent the perfection of title to the particular tract on which work is in progress it does prevent exploration of adjacent land, should the first location prove valueless, and in any case such extension of the field as is necessary to secure a sufficient output to warrant refineries and pipe lines. The effect of the policy has been to discourage and almost suspend the exploration and development of new fields on public lands.

Until Congress shall show some disposition to adopt new laws for the acquisition of oil and gas land, it seems to me that the present law, which is at least adapted to new fields, should be allowed to operate. All the operations to which I refer are by independent interests and generally by men and associations of limited means.

This letter is altogether too long, though it does not treat in detail a number of classes of cases of which serious complaint is made. I have written you because I feel that my duty to my constituents demands that I use my best endeavors to remedy the conditions which exist and which lead good, honest men to become thoroughly discouraged and embittered. As a supporter of the administration I also feel it my duty to acquaint you as the responsible head of the administration with our views of some of these matters before I may feel called upon to make public reference to them, that you may take such action respecting them as may seem to you proper.

I desire to have it clearly understood I have the highest personal regard for the officials in charge of these matters and agree with them on many subjects, all of which naturally inclines me to refrain, as far as is consistent with my duty to my constituents from expression of

disapproval of acts and policies for which they may be in part responsible.

It has been the fashion with a certain class of people to dispose of complaints and protests coming from the West touching public-land matters by consigning those making them to the category of "land grabbers," "looters of the public domain," and "undesirable citizens." I do not anticipate such procedure in this case, and I trust that careful consideration may be given these matters, which vitally affect many good folks who desire and expect nothing more than their rights under the law and the fair, honest treatment which they are entitled to receive from their Government but powerless to enforce against it.

While this letter is not personal and you are at liberty to make such use of it as you deem best, I shall not give it publicity.

Yours, very respectfully,

_____.

Also letter to Hon. Walter L. Fisher, Secretary of the Interior, June 24, 1911, on the subject of public coal lands, as follows:

PUBLIC COAL LANDS.

JUNE 24, 1911.

Hon. WALTER L. FISHER,
Secretary of the Interior, City.

SIR: Prior to 1873 the public lands of the United States were disposed of without taking into consideration the question as to whether or not they contained coal, and therefore all the lands containing anthracite and bituminous coal in Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia, and most of such lands in Alabama, passed into private ownership as agricultural lands and at nominal prices.

In 1873 Congress passed the coal-land law, providing for the sale of coal lands at not less than $10 per acre, where such lands were more than 15 miles from a completed railroad, and not less than $20 per acre for such lands as were within 15 miles of a railroad, and from that time until 1907 coal lands were sold at the prices named in the law.

In 1907 the policy of considering the price of $10 and $20 per acre, fixed by law, the minimum price and of selling coal lands at a classified price in excess of the minimum was adopted. For a time the classified prices were not generally greatly in excess of the minimum prices, but gradually those prices have been increased by reclassification (in some cases the same lands have been classified three times) and by higher original classifications until, according to a statement recently made by the Director of the Geological Survey, the classification of 14,473,609 acres made prior to March 31, 1911, had raised the valuation of these lands from $236,460,613, under the minimum prices fixed by law, to $668,433,342 under classification.

The mere statement of an increase in valuation to nearly three times that fixed by the statute does not, however, give an adequate idea of the actual conditions in the fields where coal is being mined, for in such localities the classified price is from ten to twenty-five times the statute price.

The comparatively low average increase in valuation is due to the fact that much of the land which has been classified contains, or is believed to contain, thin veins or deposits of low-grade lignite coal having no present market value and not salable at any price as coal land. These lands have largely been classified at or near the minimum price, thus keeping down the general average. On the other hand, in all of the fields where the coal is of sufficiently high grade to be workable, or is being worked, the prices, even for lands far from means of transportation, have been increased from the minimum fixed by law to from $150 to $500 per acre.

Whatever one's views may be as to the proper interpretation of the coal-land law, and therefore as to authority of executive officers to fix prices above those contained in the statute, there is much force to the argument that the value of coal-bearing land differs so widely, and the temptation to large holdings, particularly in fields of exceptional quality, is so great, that a graduated price rather than a flat rate is the better from the standpoint of public policy. However, as it has never been the policy of the Government to attempt to secure an exorbitant price for its lands by creating a land monopoly, it would seem logical that under a system of valuation the price should be fixed with a view of discouraging the acquisition of lands for speculative purposes rather than with the intent of capitalizing the necessities of citizens who must have coal of which the Government has a monopoly.

The first prices fixed under classification were in the main not excessive, though quite high enough to discourage purchase except with a view of immediate development, and therefore though the policy involved a questionable exercise of executive authority there was a general disposition in the country affected to withhold criticism and give the new policy a fair trial. The reclassifications and increased valuations, however, have placed coal lands at such prohibitive figures and contemplate such a serious burden on western communities that the people of the public coal land States have become thoroughly aroused over the situation, and as the Representative of the people of one of the States whose citizens are suffering and are certain to suffer more from the effect of the present policy, I feel it my duty to call these matters to your attention, in the hope that the present policy may be radically modified.

The valuations which have been fixed on public coal lands in Wyoming, Colorado, Montana, Utah, New Mexico, and other Western States are, in my opinion, so beyond all reason and justification that I find it difficult to discuss the subject in an entirely dispassionate and respectful way, for to characterize the policy and procedure which has been pursued in what I believe to be a fitting manner would require the use of language more forceful and pointed than I care to use in a communication of this character. If the situation were not so serious, it would be somewhat relieved by the large element of grim humor it contains in the assumption that the Government is to secure at some time in the future the extravagant prices which have been laboriously figured out, and that therefore those responsible for the classifications have added hundreds of millions to the national wealth by the simple process of giving free rein to their imagination.

It should be remembered that most of the coal in the public lands, estimated to underly at least 50,000,000 acres, is lignite or subbituminous coal and, compared with the best bituminous coals of the eastern part of the United States, is of low grade; little of it will make coke, and much of it would not be sold in competition with high-grade bituminous coal.

The prices fixed by classification in all the better fields are, however, very much higher than the average prices asked by private owners for the high-grade bituminous coal contained in lands in Illinois, Kentucky, Tennessee, West Virginia, and elsewhere. The surface of much of the coal lands in the States mentioned is valuable, while the surface of most of the Government coal lands is of trifling value and can be secured by homesteading; and yet the average classified prices are higher than is asked for the better coals and highly valuable surface in States adjacent to markets. A disinterested investigation will prove the truth of these assertions.

It is perhaps a matter of no present material consequence, though rather ridiculous, that lands containing, or which are believed to contain by the Geological Survey, lignite coal of poor or medium quality and so remote from transportation and markets as to have no present value for coal should be valued at hundreds of dollars per acre; but it is a matter of the highest immediate importance that coal lands in the vicinity of means of transportation and for the product of which enterprising men are willing to take a chance of finding a market are held at prices which prohibit development, create a monopoly in the mines now in operation, and thus materially advance the price of coal to the consumer in a country having millions of acres of coal lands. The net result of the classification policy in the Rocky Mountain region has been to prohibit the opening of new mines and to increase the price of coal to the consumer from 50 cents to $1 per ton.

While the major portion of the coal lands in fields of fair or good quality and where transportation makes development possible have been valued for sale at from $200 to $450 per acre, the highest price at which any public coal land has been sold is $180 per acre, and only two 40-acre tracts at that price—tracts probably essential to the extension of developed mines. In 1909, 80 acres were sold at $135 per acre; one tract of 160 acres was sold at $75 per acre; and with these exceptions and one sale of 40 acres at $65 per acre no coal lands have been sold at more than $50 per acre.

The total sales of coal lands at prices above $30 per acre since September, 1907, when the first classified lands were sold, has been as follows:

Price per acre:	Acres.
$35	239
$40	720
$45	240
$50	7,650
$65	40
$75	161
$135	80
$180	80
Total acres	9,210

When we take into consideration that this constitutes the entire coal-land sales by the Government in over four years at classified prices above $30 in Arizona, California, Colorado, Idaho, Montana, New Mexico, North Dakota, South Dakota, Oregon, Utah, Washington, and Wyoming, where the Government owns millions of acres of classified lands rated above the highest price paid by these purchasers, we can realize how the coal industry has been paralyzed by the prohibitive prices which have been placed on coal lands.

It is conceded that if these exorbitant prices are retained on coal lands, and the remainder of the public coal lands are listed at the same excessive prices, eventually some high-priced land will be sold, for as the privately owned coal lands are worked out and the coal sold at the prices which the Government monopoly makes possible the time will come when the necessities of the people for fuel will compel the sale of some of the Government land, no matter how high the price may be, and the people of the West will be compelled to pay liberally for the monopoly thus fostered by Government policy. In the meanwhile no complaint has been or will be heard of the new policy of exacting the last possible penny for Government coal lands from the coal operators who own large bodies of coal lands. The plan is an ideal one for them.

If it is to be urged that the high price now asked for Government coal land, far above what the most grasping private owner would think of asking, will conserve our coal, we must admit that it will have that tendency by taking coal from the category of a necessity and placing it among the luxuries. But this is a Government policy which is not likely to be tolerated in a region whose fuel resources are inexhaustible. Practically none of the coal from what is now Government land can ever be profitably shipped east of the Missouri River, and if it could, Wyoming alone could supply the entire country at our present rate of consumption for over 700 years, according to Government estimates.

The question of the disposition of the coal on Government land, so far as the use of the coal is concerned, is one affecting only the people of the country west of the Missouri, and the people of that region, not blessed as is the territory further east with bountiful supplies of high-grade bituminous coals, but nevertheless fortunate in an inexhaustible supply of coal, such as it is, should not be expected to agree to a policy which creates a monopoly by Government action and which contemplates laying on them and their decendants a burden for fuel amounting to many hundreds of millions of dollars, no part of which is proposed to be returned to the people who pay it.

I trust you will find time to give this matter your careful consideration at an early date. The policy of prohibitive coal-land prices, which proposes a grievous burden on our people and an entire reversal of our governmental policy, has never been approved by Congress or formally indorsed by any branch of our Government. It has simply grown out of the activities of a single bureau of the Interior Department, and it has been suggested that the determination to force a coal-leasing system on the country is largely responsible for the prohibitive prices at which coal lands have been classified. If the leasing system has virtues and advantages, and no doubt it has some, they should be apparent enough to bring about the adoption of the system otherwise than by prohibiting sales of coal lands through hostile administration of the coal-land law and prohibitive or grievously burdensome coal-land prices.

The coal-land law as now interpreted by the department is inadequate in that it renders practically impossible the assembling of a sufficient area for a modern mine. The policy of selling at a classified price high enough to discourage purchases of coal lands purely for speculation or future development has its advantages with our law as interpreted in protecting operators unable to secure large holdings against purchases by others of land in advance of and necessary to the extension of their operations with a view of speculation at their expense; but this merit and such others as may be claimed for the system of classification are entirely negatived by the extraordinary prices adopted which create a burdensome monopoly in coal lands and lead to a monopoly of coal prices. We shall in all probability never return to the nominal prices named in the coal statute, but every consideration of sound public policy dictates values that shall not lay grievous burdens not contemplated by Congress on the users of coal in one portion of our country, and every proper purpose claimed for the policy of classification will be served by values high enough to discourage the purchase of coal land

for speculation. The experience of the last few years seems to indicate that with the possible exception of very rare cases $50 per acre is about a fair maximum rather than $500.

Very respectfully, yours,

F. W. MONDELL.

Also letter to the Secretary of the Interior under date of February 17, 1913, on the subject of the sale of isolated tracts of public lands, as follows:

ISOLATED TRACTS.

FEBRUARY 17, 1913.

Hon. WALTER L. FISHER,
Secretary of the Interior.

SIR: My attention has been called to circular No. 202, of December 18, 1912, of your department, relating to the sale of isolated tracts under section 2455, Revised Statutes, as amended by the act of March 28, 1912, and the act of April 30, 1912, relating to the sale, under limited patent, of isolated tracts of coal land. I realize that the sale of lands under these statutes is entirely within the discretion of the Secretary of the Interior, or, in the language of the act of March 28, 1912, in the discretion of the Commissioner of the General Land Office. This being true, I presume that officers thus granted discretion under the law could decline to allow any tracts to be sold. Inasmuch, however, as Congress in enacting the law contemplated that lands would be disposed of under it, I assume that no Secretary would feel justified in promulgating rules which would so discourage applications as to practically repeal the law. In this view of the matter I invite your attention to some of the provisions of the recent circular which, in my opinion, have the effect of very greatly discouraging applications to purchase, and if retained in force will finally render the act practically a dead letter.

The isolated-tract law as amended authorizes the Secretary of the Interior to dispose of any isolated or disconnected tract not exceeding one quarter section. The circular in question lays down the rule that no tract will be deemed isolated and ordered into market which has not, at the time application is filed, been subject to homestead entry for at least two years after surrounding lands have been entered, filed upon, or sold.

Exception is made to this rule "where some extraordinary reason, in the opinion of the commissioner, warrants the waiving of the rule." I can not conceive of any reason which could be advanced which would be likely to be considered sufficient; therefore the rule prevails. This restrictive rule, together with the rule requiring a report and appraisal by a field officer, was adopted in a former circular issued during your administration of the department, and therefore are not new features, but I refer to them because, coupled with new restrictions, they create a situation under which sales of isolated tracts will be greatly discouraged.

The first new feature of the recent circular to which I desire to call your attention is that which requires applicants to deposit with their application the minimum value of the lands the sale of which is desired, amounting to $1.25 or $2.50 per acre, depending on whether the lands are within railroad limits.

My experience is that the great majority of those who apply to have isolated tracts ordered into market are people of comparatively limited means; few of them have any considerable sums of money laid aside or which they can spare from their business. Without being accurately informed on the subject, I venture the opinion that the period intervening between an application and a decision will on an average approximate two years. In our western country money is worth at least 10 per cent to the average individual, so that an applicant with his money on deposit for that length of time would, if a successful bidder at the sale, pay 20 per cent of the minimum price more than the tract would cost an outside bidder. As the parties applying to have the tract ordered into market must also pay for publication, affidavits, etc., this additional expense is a serious handicap.

Under the former practice the lands remained subject to entry and disposition until the sale was ordered. Under the recent circular they remain subject to entry or disposition down to the time when the sale is consummated, thus placing additional risk on the applicant, making his opportunity to purchase still more uncertain and rendering him liable to be victimized by parties in position to threaten the entry of the tract at the last moment.

I am assuming that in the issuance of this circular it was not the intent of your office to surround the offer of isolated tracts with such conditions as would seriously discourage any application for the sale of said lands, but from a knowledge of conditions in the public-land States, gained through many years of residence, I am of the opinion that the circular will practically put an end to applications for the sale of lands under the isolated-tract law, whatever the intent in the issuance of the circular may have been.

In this connection I think it proper that I should call your attention to the fact that Congress has for a number of years, whenever it has legislated on the subject, steadily liberalized the isolated-tract laws. Formerly a tract must have been isolated at least two years, and only tracts of less than 160 acres could be sold. The law was liberalized so as to allow sales immediately upon tracts being isolated by entries and enlarging the area of sale to 160 acres. This was done with the acquiescence and largely at the suggestion of a former Secretary of the Interior, Mr. Hitchcock. Later, and quite recently, Congress has extended the isolated-tract law under limited patent to coal lands. It has authorized, under the general terms of the statute, the sale of lands rough, mountainous, or unfit for cultivation upon the application of an adjoining owner without the requirement that the lands shall be isolated and disconnected. All of these acts clearly indicate the policy of Congress and its appreciation of the fact that it is to the interest of the public to have lands which do not appeal to the homestead entryman sold and placed upon the tax list; to have those owning lands adjacent to rough and mountainous lands given an opportunity to enlarge their holdings.

As those matters are well known to your office I assume that in the administration of the law it is your desire to carry out the purpose of the lawmaking body. I am at a loss to understand the consideration which prompted the issuance of these regulations. In my opinion they amount to a notice to the people that the Secretary of the Interior does not approve of the sale of public lands under these laws and therefore adopts rules to discourage and prevent such sales.

If this is not the view of the matter taken by your department, I trust there may be such modification of the regulations as will remove the present practical prohibition.

Very truly, yours,

F. W. MONDELL.

Also letter of March 22, 1913, to Hon. Franklin K. Lane, Secretary of the Interior, relative to ceded lands of the Shoshone or Wind River Reservation, in Wyoming, and their disposition, as follows:

MARCH 22, 1913.

Hon. FRANKLIN K. LANE,
Secretary of the Interior.

SIR: On March 3, 1905 (p. 1016, 33 Stat.), an act was approved which ratified and amended the treaty with the Indians residing on the Shoshone or Wind River Reservation, in the State of Wyoming, and providing for the disposition of certain lands which the Indians had agreed should be disposed of.

The lands referred to embraced the northern portion of the Wind River Reservation, between the Wind River on the south and Owl Creek on the north, a territory from 20 to 35 miles in width and 60 miles in length, and containing approximately 1,438,633 acres. Section 2 of the legislation in question provided that the said lands should be disposed of under the provisions of the "homestead, town-site, coal, and mineral land laws of the United States."

It was also provided that "all lands, except mineral and coal lands herein ceded, remaining undisposed of at the expiration of five years from the opening of said lands to entry shall be sold to the highest bidder, for cash, at not less than $1 per acre, under the rules and regulations to be prescribed by the Secretary of the Interior: *Provided*, That any lands remaining unsold eight years after the said lands shall have been open to entry may be sold to the highest bidder, for cash, without regard to the above minimum limit of price."

The five years above referred to expired August 15, 1911, and the first sale was had in September, 1912, at which time 52,319 acres were disposed of. Prior to that time 128,963 acres had been entered under the homestead and other laws; 335,000 acres have been segregated under the Carey Act for reclamation, leaving 922,351 acres to be sold.

It will be noted that the provision of sale after five years excepted "mineral and coal lands," and the general understanding or interpretation of that language was that it referred to coal lands, of which there is a small area, and lands which had been filed upon as mineral lands under the mining laws.

When the time arrived for the lands to be sold, however, it was discovered that very large areas of lands had been withdrawn from entry and classified as petroleum, phosphate, coal, gold-placer, or power-site lands; and these lands so withdrawn from entry constituted so large a proportion of salable lands, or so interspersed the salable lands, as to very greatly hamper and restrict sales.

Referring first to the legal aspect of the case, I desire to call your attention to the fact that these lands are not public lands in the general acceptance of that term. As article 9 of the treaty provides:

"ART. 9. It is understood that nothing in this agreement contained shall in any manner bind the United States to purchase any portion of the lands herein described or to dispose of said lands except as provided herein or to guarantee to find purchasers for said lands or any portion thereof, it being the understanding that the United States shall act as trustee for said Indians to dispose of said lands, and to expend for said Indians and pay over to them the proceeds received from the sale thereof."

The lands not being public lands, but Indian lands held in trust, they can be handled only under the terms of the trust, therefore they must be disposed of under the homestead, coal, and mineral laws or sold as above provided

What has been done, however, is to withdraw a large portion of these lands from any sort of disposition on the theory apparently that they are public lands, that they contain mineral or are valuable for power sites, and that the public interest demands that they shall be reserved and not disposed of at all.

GOLD PLACER.

Looking at the matter from the standpoint of the facts of the situation, this is what is discovered with regard to these alleged mineral lands, the location of which is shown on the map which I file herewith.

Several thousand acres of the lands referred to have been withdrawn from entry on the theory that they contain values in gold placer, and in some cases these alleged gold-placer lands extend back as much as a mile from the river. This withdrawal of alleged gold placer has subjected the department to more ridicule in that part of the country than anything which has been done in connection with public lands, and that is saying a great deal. One time or another we have met men who dreamed dreams of gold placers in many localities, but the wildest of all the gold-placer hunters have never imagined that gold was to be found in the solid deposits along the Big Wind River. It is true that for a number of years past two different outfits have been spending money attempting to extract some gold from shifting sand bars in the Big Wind River, but it is also true that the expenditure of large sums of money for expensive dredges have not so far brought any appreciable returns, and if there is any gold that can be saved or secured at a reasonable cost from the shifting sand bars of the Big Wind River, which is very doubtful, all such deposits will be found in and on the said sand bars within the meander lines of the said stream; and the department simply subjects itself to scorn and ridicule, besides retarding settlement and development, by such reservations as have been made.

COAL LANDS.

The lands withdrawn as coal lands constitute comparatively a small portion of the area of the ceded lands, and so far as these lands contain coal of a workable thickness and merchantable character they should only be disposed of under the coal-land law in accordance with the terms of the act. The probability is, however, that the area withdrawn includes lands which do not contain merchantable coal, and the objection to the withdrawal is that it does not now allow for disposition under the coal-land laws, though perhaps that is not important as a practical proposition, as I do not know that anyone desires to purchase the lands.

OIL LANDS.

Two areas, one containing about 2,000 acres in township 3 north, range 1 west, and one farther north, some 15 miles in length and 3 to 5 miles in width, have been withdrawn as oil land. It is true that oil is found on the diminished reserve, 10 or 15 miles south of these lands, and there may also be a possibility that at some time oil may be discovered on some of the lands now withdrawn, but I think that no one will deny the proposition that these withdrawals are pure guesses, and that at any rate, in accordance with the terms of the law for the disposition of these lands, these tracts must either be sold, where their mineral character is not to be reasonably inferred from indications, or remain subject to entry under the placer acts under which oil lands are now enterable. I do not know that anyone desires to file on these lands as oil lands; I have heard no such suggestion, but my view is that in the first place the oil withdrawals should be

very greatly reduced if retained at all; and that under the law if any lands are declared to be oil lands they must remain subject to the mineral laws.

PHOSPHATE LANDS.

We now reach the character of withdrawals which most seriously affect the development of the region in question and which, in my opinion, are, without possible exceptance of the so-called placer withdrawals, least justifiable or defendable. I refer to the so-called phosphate withdrawals. One time and another in the rise and fall of the mining excitements in our State a considerable part of our territory has been claimed, by one class or another of boomers, to be valuable for some sort of mineral, but it remained for the experts of the Geological Survey to discover valuable phosphates, or any phosphates at all, in this part of the State. I am not informed as to what enthusiastic member of the survey made the startling discovery that about 150,000 acres of this land was underlaid with phosphate, and I do not know by what process he outlined these valuable phosphate beds. The fact is that the most persistent prospecting on the part of many individuals in this region has failed to discover any phosphate at all. If the area of alleged phosphate was not so great the matter might be treated as a joke; covering the area that it does, located as the lands withdrawn are, it is a very serious matter in retarding the development of this region. I give it as the opinion of men who have investigated this matter since the department officials made, in Washington, the discovery of this mineral 1,800 miles away that there is no land in the entire section referred to which possesses any indication whatever of being underlaid with phosphate beds that would be of value anywhere in the world.

In my opinion the designation in question is not only contrary to law, not only involves a waste of public money, but is exceedingly harmful to the public service, as it creates the impression in the locality that these things are done either in pure ignorance or for ulterior purposes having no connection with any mineral development.

POWER SITES.

These lands not being public lands there is no authority in any law for the reservation of any of the lands as power sites, and, with the exception of lands in the canyon of Big Wind River above Thermopolis, most of the lands withdrawn would be of no value as power sites under any conceivable condition.

PRACTICAL EFFECTS.

The practical effect of these withdrawals has been to limit and restrict the sale of these lands, to the very great detriment and injury of the country and of the Indians.

Congress has already advanced to the Indians, who own these lands, large sums of money for irrigation works and for other expenditures on their diminished reserve, and it is highly important that they begin to realize by the sale of their lands, as the funds are needed for further improvement of their reservation. It is important, also, that these lands pass into private ownership and get on the tax rolls as rapidly as they can consistently. None of the lands subject to sale are irrigable. A considerable portion of the land has but very little value, but other portions are fairly good grazing lands, and if sold in reasonable areas could be disposed of to the benefit of the Indians and of the community. It so happens that a considerable portion of the most desirable of the lands and those most salable are contained in the phosphate withdrawals. That is particularly true of the lands west of the Big Wind River, in townships 5 and 6 north, ranges 3, 4, 5, and 6 east. In this locality there are some lands that could be utilized for dry-farming purposes, and the people who know these lands are so well satisfied that they contain no phosphates that they openly charge that the phosphate withdrawal is in the interest of large stockmen who do not want to have the lands sold.

WHAT SHOULD BE DONE.

I most earnestly request that the matters to which I have referred be taken up for thorough and careful consideration. I earnestly recommend that whatever is done shall be done in accordance with the laws relating to and affecting these lands. I recommend that the so-called gold placer and phosphate withdrawals be restored; that the coal and oil areas be reduced to such lands as may be reasonably held to be valuable for these minerals and subjected to the laws for the disposition of such minerals.

I do not believe, as I have before stated, that there is any authority for power-site withdrawals on these lands, and I doubt the necessity of any such withdrawals. At any rate, it is ridiculous to maintain such withdrawals on streams like Owl Creek and the North Fork of the Big Wind River. The lands have no value for power-site purposes, but they are of some value for grazing or agricultural purposes.

Very truly, yours,

———— ————.

Also letter to Hon. Franklin K. Lane, Secretary of the Interior, under date of May 23, on the subject of oil-land withdrawals, and with particular reference to the Moorcroft, Wyo., oil field, as follows:

MOORCROFT OIL FIELD.

MAY 23, 1913.

Hon. FRANKLIN K. LANE,
Secretary of the Interior.

SIR: I am in receipt of a telegram and I have a letter from the Moorcroft Commercial Club, of Moorcroft, Wyo., protesting against Order of Withdrawal, Petroleum Reserve No. 28, Wyoming, No. 7, which withdrawal I find on investigation covers a large portion of lands in townships 50 and 51, range 66 west; townships 50, 51, and 52, range 67 west; and townships 51 and 52, range 68 west. The telegram and letter I have received inform me that a considerable portion of this land has been located as oil placer lands, and that preparations were being made for the active development of the lands for oil in the immediate future. The letter I have from the secretary of the club states "it is safe to say that a quarter of a million would have been spent here this season." I take it for granted that on comparatively little of the land was the work of development actively going on at the time of withdrawal, and therefore the withdrawal probably suspends all operations in this field for the present, causing great losses. In the southern part of this field more or less drilling for oil has been done for more than 20 years, and some 4 or 5 years ago many thousands of dollars was spent in drilling.

While much of this work resulted in the discovery of oil, the discoveries have not been in quantities to warrant providing transportation facilities to market the oil. Recent investigations in the field by experts have located what are probably the most promising points of development, and just as this had been accomplished and development was about to start in a large way lands are withdrawn and everything brought to a standstill.

This history of the Moorcroft field is but a repetition of the experience we have had in Wyoming for the last five or six years. Whenever some one ventures to undertake to develop oil lands, and the prospects of finding oil seems to be at all promising, the agents of the Geological Survey swoop down on the territory, withdraw the land, and prohibit further extended development. That has been the history in the Casper field, in the Cody field, in the vicinity of Cowley, and at a number of other points in the State where we are attempting to develop oil.

I can not believe that if the present practice in this regard is fully understood it will be continued by your department. It is exasperating to the last degree, and it is particularly trying just at this time when few of our industries are prosperous, and we have hoped for development through independent operations in oil in various parts of the State.

It is true that the withdrawal act gives the President authority to withdraw lands, but no one ever contemplated that that power would be used to prevent development in an ordinary way under the only law which has been provided by Congress for oil development. It has been frequently suggested that wholesale withdrawals are made of every promising oil region with a view of forcing Members of Congress to lend their influence to the prompt passage of an oil-leasing bill. However that may be, a policy which ties up and withholds from use needed resources is one which no one can justify. Congress long since extended the placer acts to this class of entries, and while there may be some argument as to the law being a perfect one under all conditions, no one, so far as I know, has claimed that the act does not work well under the conditions existing in Wyoming, where fields are new and the drilling very largely in the nature of "wildcatting," as the term is used in the oil business.

I can not believe that you will give your assent to the continued tying up of our resources, and I earnestly hope that the lands in the Moorcroft field, and other lands which independent operators are anxious to develop, may be released from withdrawal.

Very truly, yours,

F. W. MONDELL.

Also letter to Hon. Franklin K. Lane, Secretary of the Interior, under date of May 27, 1913, on the subject of repayment of money paid on land entries which were not perfected, as follows:

REPAYMENT ON LAND ENTRIES.

MAY 27, 1913.

Hon. FRANKLIN K. LANE,
Secretary of the Interior.

MY DEAR MR. SECRETARY: On the 22d of April I placed in the CONGRESSIONAL RECORD two joint memorials of the Legislature of Wyoming and made some observations relative thereto. One of these resolutions was a protest against certain features of the administration of the land laws which the protestants claimed retarded the irrigation, reclamation, and settlement of our public lands. This resolution also criticized certain acts of special agents and favored an enlarged and additional homestead law. The other resolution, to which I now particularly call your attention, relates exclusively to the policy of the Interior Department in the matter of repayment of moneys paid by entrymen and purchasers under the homestead, the timber and stone, and the desert-land acts, and the coal-land laws.

Copies of these resolutions were placed before Congress soon after their adoption by the legislature, but as under the practice of the House resolutions of this sort do not appear in the RECORD when presented in the usual way I took this method of having them appear, and while copies of these resolutions were probably sent to your predecessor I presume you have not seen them, therefore I now respectfully call them to your attention.

With a view of having Congress secure information as to the exact status of applications for repayments, I introduced some time ago a House resolution which I hope to have reported as soon as committees are appointed, which resolution is as follows:

"*Resolved*, That the Secretary of the Interior is hereby requested to furnish the House of Representatives a list of all applications for repayment of money paid on public-land applications, selections, entries, and proofs which have been pending in the Interior Department over three months, with character of application, selection, entry, or proof, name of land district, of applicant, and amount involved."

As you are aware, the original act—and one of most general application to repayments of money paid in land purchases and entries—is the act of June 16, 1880 (21 Stat., 287). This act provides, among other things, for the repayment of all moneys which have been paid on account of homestead, timber-culture, desert-land, or other entries, which entries were canceled for conflict or, having been erroneously allowed, could not be confirmed. This remained our only general repayment statute until the passage of the act of March 26, 1908 (35 Stat., 48), which act was drawn in the Interior Department and its passage recommended on the ground that there were certain classes of applications for repayment which the statute of June 16, 1880, did not cover and that additional legislation was necessary.

While the department recommended the passage of this last act on the ground that it was necessary to cover certain classes of cases which the old law did not cover, I notice that the circular of July 23, 1910, states that the later act refers more particularly to moneys deposited with proof under the timber and stone, desert-land, coal-land, or other mineral-land laws. This view of the statute is illuminating because of the fact that while, unlike the statute of 1880, the later act provides for repayment in all cases where applications, entries, or proofs have been rejected for any reason, there is a provision that "such applicant, nor his legal representative, shall have been guilty of any fraud in connection with such application."

The statute of 1880 above referred to clearly covers the great majority of cases of applications for repayment under most of the land laws. This is particularly true as to moneys paid under the timber and stone act. By a curious process of reasoning, the Land Office has held in a number of cases that had the land been of the character which the applicant asserted it was the entry could have been perfected, but as the office, or rather the special agent, held that the land had not been described with absolute accuracy by the applicant and was not, in the opinion of the agent, land that ought to be sold under the timber and stone law, therefore the entry was not, in the sense contemplated by the statute, "erroneously allowed," although as a matter

of fact the entry was canceled on the ground that the land was not timber and stone land.

Having by this circuitous process of reasoning taken the case out from under the mandatory statute of June 16, 1880, the Land Office has then proceeded to hold that the cases are not entitled to repayment under the statute of March 26, 1908, because the applicant or his legal representatives "had been guilty of fraud or attempted fraud" in describing the land.

Similar processes of reasoning have resulted in the denial of a large number of applications for repayment under the commutation clause of the homestead law, under the desert-land act, the coal-land law, as well as the timber and stone act. From time to time I have called to the attention of your office and the commissioner's office cases of such applications which have been called to my attention by my constituents, and from information thus secured I feel constrained to say that, in my opinion, the policy which has been pursued in denying repayments in a large number of cases has been not only contrary to the letter and the spirit of the law, but little short of a public scandal.

I know that it will be vigorously insisted as a defense for the policy under which a great Nation retains the money of its citizens without giving anything in return that there have been fraudulent applications; that men have applied for and purchased lands knowing they were not entitled to them; that they had not complied with the law; that they had made statements relative to them which were not true. It would be very extraordinary indeed if among the many thousands of transactions in public lands between the Government and its citizens there were no cases of fraud or attempted fraud. However this may be, it is unquestionably true that the statute of 1880 did not contemplate that, even in a case where fraud was attempted or charged, the offending party was to be punished by confiscation of his property; hence the peculiar reasoning by which the majority of cases are held not to come within the provisions of that act.

When we come to consider the act of March 26, 1908, within the provisions of which it is now sought to bring practically all applications, it may be said that while the repayment is predicated to a certain extent on the proposition that the applicant or his legal representatives shall not have been guilty of fraud or attempted fraud, the act certainly did not contemplate that a mere suspicion or inference on the part of an official of the Government should be conclusive proof of fraud and warrant the taking of the property of a citizen "without due process of law."

So far as I am acquainted with these matters, applications for repayment under timber and stone entries seem to be the most numerous. For many years it was the practice of the Land Office to sell, under the timber and stone act, almost any tract of rough, broken, rocky land unfit for cultivation which contained brush or brushy timber or rock, and it is undoubtedly true that in many instances these lands were purchased not because the timber or stone on them had any considerable value, but because the tract was of some little value for the firewood it furnished or as an addition to the farm or ranch for pasture purposes. Several years ago the department began to cancel entries on lands of that character, and, although it is not claimed that the lands have any considerable value or that they are in fact worth more than was paid for them, repayment on the canceled entries is denied on the ground that the entryman did not, in the opinion of the agent, accurately describe the land. This alleged inaccuracy of description is the excuse for punishing an applicant by keeping his $400 in the case of a 160-acre entry, besides depriving him of his entry.

In the case of some applications for repayment under the desert-land act and the coal-land act to which my attention has been called the alleged frauds which are made the basis of the confiscation of the entryman's cash are not such as, in my opinion, would be held as frauds by any court of law. It seems to have become popular for the Government to confiscate the money of entrymen on the most flimsy pretext of alleged fraud. My attention has also been called to the fact that the Government has refused to make repayment in cases of commuted homestead entries which were not accepted. There is, I believe, such a ruling in Thirty-ninth Land Decisions, page 152. This ruling has not the excuse of alleged fraud and works hardship in numerous cases.

I sincerely hope and trust that you will find time to thoroughly investigate the matter of repayments and that you will modify the practice which has recently grown up of withholding the money paid by entrymen in cases where the Government refuses to consummate the purchase or the entry.

Very truly, yours,

F. W. MONDELL.

Also letter to Hon. Franklin K. Lane, Secretary of the Interior, under date of June 6, 1913, signed by the members of the Wyoming delegation in Congress, asking for the restoration to entry of oil and gas lands in the vicinity of Basin and Greybull, Wyo., as follows:

GAS LANDS, BASIN AND GREYBULL.

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 6, 1913.

HON. FRANKLIN K. LANE,
Secretary of the Interior.

SIR: We are inclosing herewith petitions signed by good and representative citizens of Basin and Greybull, Wyo., requesting the restoration to entry of lands in the vicinity of these towns now withdrawn as oil and gas lands.

The situation is briefly as follows: A number of years ago, after considerable drilling in the locality, a gas well was developed near the town of Greybull. After many vicissitudes and much delay capital was secured, and a considerable number of wells were drilled and pipe lines were laid to supply Basin, 10 miles distant, and Greybull with gas. Last year the supply from these wells proving inadequate, further wells were drilled on patented land, but they have not materially added to the supply. The company operating in this field has, we are informed, found it difficult to secure funds for further drilling on lands on which they applied for patent several years ago, and now await action on the third inspection of the said lands, which has been ordered by the General Land Office.

Some time since all public lands in the vicinity which gave promise of yielding oil or gas were withdrawn from all forms of entry, and it is the restoration of these lands which is now sought. We can not urge too strongly upon you the importance to the people of the towns of Basin and Greybull and the surrounding country of having an opportunity given for the further development of this gas and oil field. The people have discarded their stoves and furnaces for gas ranges and heaters, and now find the gas supply wholly inadequate for their needs, with every prospect of a complete failure of supply unless more territory is opened to exploration. Those who have, with great courage, made large investments to prove the extent and value of the field are threatened with a total loss of all investment, while a very considerable area of lands believed to be oil and gas producing—mostly barren hills having no other value whatever—are tied up by withdrawal. We most earnestly urge that relief be granted at once in order that drilling may be speedily undertaken, as the region is one in which it is practically impossible to drill after winter sets in.

Very truly, yours,

F. W. MONDELL.
F. E. WARREN.
C. D. CLARK.

The SPEAKER pro tempore (Mr. HELM). The gentleman from Minnesota [Mr. STEENERSON] is recognized for 30 minutes.

Mr. STEENERSON. Mr. Speaker, Goldsmith, in "The Deserted Village," says:

Mr. STEENERSON. Mr. Speaker—

> Ill fares the land, to hastening ills a prey,
> Where wealth accumulates, and men decay.
> Princes and lords may flourish or may fade,—
> A breath can make them, as a breath has made;
> But a bold peasantry, their country's pride,
> When once destroy'd, can never be supplied.

One of the results of the recent discussion of the high cost of living is a revival of interest in country life, for all recognize that upon the prosperity and efficiency of agriculture depends the supply of our food as well as the materials for clothing, and these constitute the principal items in that cost. When President Roosevelt appointed his country-life commission and sent its report to Congress and recommended an appropriation to continue the work it met with a cold reception, and no action was ever taken thereon. It is not necessary to discuss the causes for this neglect except to say that it was largely due to personal hostility on the part of leaders in Congress to President Roosevelt and his big-stick methods by which he had already forced from them popular legislation like the Hepburn railroad law and antitrust laws generally. Many of them felt that he was undertaking too many reforms at the same time, from spelling reform to regulating the size of the family, and hence condemned his country-life policy without a hearing. The time has now come when, I think, this prejudice has subsided and when this question can be considered on its merits. The question is world-wide in its importance and affects the future permanency of our institutions and civilization. "The well-being of the people is like a tree—agriculture is its root, manufacture and commerce are its branches and its life; if the root is injured the leaves fall, the branches break away, and the tree dies."

The last census shows that for the last decade the rate of increase for the population of the urban areas was over three times that for the population living in rural territory. Of the total increase in the population of the United States during the past decade—15,997,691—seven-tenths was in urban and only three-tenths in rural territory. Population in cities, villages, and towns of 2,500 or less is classed as rural, so that if these were eliminated not over 40 per cent is actually rural. This tendency to desert the country for the city has been commented on and deplored by teachers and publicists, but nothing has been done to stop it. On the contrary, the politicians seized upon the prevailng high price for the necessaries of life, and began to blame the farmer for the high cost of living, and to demand free trade in farm products. The Secretary of Agriculture instituted an inquiry into the matter in 1910 and found that the farmers were not receiving exorbitant prices for their products, but that before they reached the consumer the price was doubled by the profits of the middleman and suggested that the problem of reducing the cost of distribution was up to the consumer. We have not yet heard of any move on the part of business men, on the part of leaders in the commercial world, to solve the problem of high cost of living by reducing middle profits, and I fear we never will. Congress, however, authorized the Department of Agriculture "to acquire and diffuse among the people of the United States useful information on subjects connected with marketing and distributing farm products," and appropriated $50,000 therefor. Under this authority the Secretary has lately established a so-called Bureau of Markets and Bureau of Farm Organization, through which it is proposed to carry on a campaign for cheaper distribution of farm products, including the organization of cooperative associations of both producers and consumers. This will be largely a work of propaganda, for it is clear that the Government can do little or nothing except to encourage and stimulate the people to help themselves in the manner pointed out. If the consumer can by this means obtain cheaper supplies and the farmer better prices, it will surely be worth the effort; but thereby the problem of country life will by no means be solved.

Sir Horace Plunkett, the Irish statesman and apostle of cooperation, who has done such great work for agriculture in his own country, published in 1910 a very instructive book on

the subject The Rural Life Problem of the United States, in which, as a step toward the solution of the problem, he proposes the formation of two organizations, one designed to carry on a popular propagandist organizing campaign, the other an institution for scientific and philosophic research relative to the problems of country life. The Department of Agriculture, by the establishment of the Bureau of Farm Organization and Markets, has undertaken the first part of the work suggested as needful by Sir Horace, and now I am proposing in the bill I have introduced in the present Congress to establish a country-life institute to carry on the second part of that work. In speaking of the proposed institute he said:

The country-life institute would be on a wholly different footing. Its researches, if only to subserve the country-life movement in the United States, would have to range over the civilized world, and to be historical as well as contemporary. It should be regarded as a contribution to the welfare of the English-speaking peoples, one aspect of whose civilization—if there be truth in what I have written—needs to be reconsidered in the light which the institute is designed to afford. Its task will be of no ephemeral character. Its success will not, as in the case of the active propagandist body, lessen the need for its services, but will rather stimulate the demand for them.

Let me summarize this case. I have tried to show that modern civilization is one sided to a dangerous degree—that it has concentrated itself in the towns and left the country derelict. This tendency is peculiar to the English-speaking communities, where the great industrial movement has had as its consequence the rural problem I have examined. If the townward tendency can not be checked it will ultimately bring about the decay of the towns themselves, and of our whole civilization, for the towns draw their supply of population from the country. Moreover, the waste of natural resources and possibly the alarming increase in the price of food which have lately attracted so much attention in America, are largely due to the fact that those who cultivate the land do not intend to spend their lives upon it, and without a rehabilitation of country life there can be no success for the conservation policy. Therefore the country-life movement deals with what is probably the most important problem before the English-speaking peoples at this time. Now the predominance of the towns which is depressing the country is based partly on a fuller application of modern physical science, partly on superior business organization, partly on facilities for occupation and amusement, and if the balance is to be redressed the country must be improved in all three ways.

Cities are being made very attractive. We know that in these modern times the taxpayers willingly contribute to the extension of the parks, the widening of the streets, to the establishment of free playgrounds, with paid athletic teachers to teach the young how to amuse themselves. We know that the schools are free, and that they are supplied in many places with free textbooks and with free meals. And we know there are numerous attractive amusements in the city. We know that they are proposing to have a minimum wage of $2.50, even for women and children, and consequently is looked to by the country people as a sort of heaven to which they want to go. Some of us can remember when we worked pretty hard for less than $2 a day. Two dollars a day was the highest I ever received in harvest in southern Minnesota, and I was a pretty husky lad and a good stacker, which was the most difficult job of all. [Applause.]

There must be better farming, better business, and better living. These three are equally necessary, but better business must come first. For farmers the way to better living is cooperation, and what cooperation means is the chief thing the American farmer has to learn.

To ameliorate city life is well, but life in the country must be made equally desirable if it is to successfully compete for population. The new tariff policy, which encourages importations of the food supply from abroad instead of its production at home, will eventually prove a failure as a method of reducing the cost of living. We shall find that we have further accelerated the movement from the country to the city by discouraging our farmers, and food prices will go higher instead of lower, and then what? No doubt many of the people in the cities will begin to say: "Well, if our own people will not cultivate the farms, what is the matter with the industrious Chinese and Japanese? They are good cultivators of the soil, and will work cheap—their standard of living is not high; let us put them to work, and we shall get what we want—cheaper food. We shall lower the cost of living." It is true there is hostility to oriental immigration now, but sentiment often changes. The cry for cheap food, which has transformed the high protectionists in New England and the Eastern States into free traders in agricultural products which they have to buy, may also transform them into advocates of oriental immigration. The promise of cheaper food will appeal to all the people in the congested centers in every part of the country, and it is not at all improbable that they may espouse the policy of unrestricted immigration for that reason. Once that policy is adopted there will begin a gradual transformation of country life in America, and we shall have a system of agriculture mainly carried on by means of oriental labor, incapable of assimilation, and forming a distinct class. If such a thing should come to pass, it would be the end of popular government and democracy. Then it will be time for another Goldsmith to sing of the departed glory of our rural life.

This may be a gloomy foreboding, but that it is not entirely fantastic is evidenced by the fact that it is the chief topic of discussion at the International Congress of Agriculture now in session at Brussels. Here is a clipping from a daily paper:

The former French premier, M. Meline, president of the Tenth International Congress of Agriculture, in his inaugural address yesterday, emphasized the vital importance of preventing the people of the country from migrating into the cities.

He showed by statistics that while the population of the world was increasing, the production of cereals and meat was decreasing. He declared that this was so even in the United States and Canada, on which Europe was accustomed in the past to rely to make up deficiencies. This economic fact, he explained, was the cause of the high cost of living, which tended to become higher more and more rapidly.

My bill is tentative, and only intended as a suggestion. If the idea meets with public favor its details can readily be perfected. Perhaps the work of such an institution might appeal to philanthropists of means who would be willing to endow it; and, if so, the organization could be changed so as to create a corporation as well as a governmental commission. We have a precedent for such a dual organization in the Smithsonian Institution, which is both a governmental agency and a corporation and is supported by both private and public funds.

Mr. YOUNG of North Dakota. May I interrupt the gentleman to ask for a more complete statement of what this bill contains? I am sure we would like to have at least the main features contained in the bill.

Mr. STEENERSON. I will now proceed to give a complete statement, and will read most of its provisions:

A bill to create a commission to be known as a country-life institute and defining its duties and powers.

Be it enacted, etc., That a commission is hereby created to be known as a country-life institute, which shall be composed of five commissioners to be appointed by the President, by and with the advice and consent of the Senate, one of whom shall be designated chairman, and the commissioners first appointed shall hold for the terms of two, three, four, five, and six years, respectively, from July 1, 1914, the term of each to be designated by the President, but successors of said commissioners shall be appointed for six years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Each commissioner shall receive an annual salary of ———. The commission shall have authority to appoint a secretary, who shall receive an annual salary of ———, and a treasurer, who shall receive an annual salary of ———, and employ such other clerical or other assistance as may be found necessary, and to fix the compensation of such employees.

Said commission shall have authority, and it shall be its duty, to institute and carry on a scientific and philosophic inquiry into country life in all its phases, and to report thereon and cause the results of such study and inquiry to be published and disseminated among the people.

Said commission shall include in its inquiry the following subjects:

1. The influence of cooperative methods on the productive and distributive efficiency of rural communities, and on the development of social country life.

2. The systems of rural education, both general and technical, in different countries, and the administrative and financial basis thereof.

3. The relation between the agricultural economy and the cost of food.

4. The changes in the standard and cost of living, and in the economy, solvency, and stability of rural communities.

5. The economic interdependence of the agricultural producer and urban consumer, and the extent and incidence of middle profits in the distribution of farm products.

6. The action taken by different Governments to assist the development and secure the stability of the agricultural population, and the possibilities and dangers of such action with special reference to the delimitation of the respective spheres of State and voluntary effort.

I think that is a very important thing to know, because if the Government undertakes to be a guardian and to manage everything, it will naturally dwarf private enterprise, and it will be a sort of paternalism that can not develop citizens in a free Republic. So there is danger in too much Government assistance.

7. How far rural and agricultural employment can relieve the problems of city unemployment and assist the work of social reclamation.

8. The effect of existing land tenures, speculative holding of agricultural land, and absentee farming has upon agriculture, and whether the stability and progress of country life requires that any of these be modified or abolished, and how.

I have thus outlined the purpose and objects of my bill, principally to stimulate thought and discussion of the subject. And I hope that this subject, which was brought before the American people by President Roosevelt in the report of the Country Life Commission, will meet with a better reception than that did then. It is one of the policies which that great man espoused, and its importance is growing every day. [Applause.]

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

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. ROGERS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. ROGERS. Mr. Speaker, under leave granted to extend my remarks in the RECORD, I print the brief on Schedule I re-

cently submitted by Samuel Ross, of New Bedford, Mass., to the Senate Finance Committee. Mr. Ross is one of our State senators and is just completing 20 years of service in our legislature. He is president of the Mule Spinners' Union, a member of the emergency committee of the United Textile Workers of America, and is one of the recognized labor leaders not only of Massachusetts, but of the United States.

The brief is as follows:

"My message to you is from the workers. I am sent here by the workers in our textile factories, and my expenses are paid by my local union in New Bedford. I have been associated with the labor movement in this country since a young man. I was president of the International Spinners' Union when 22 years of age, and for nearly 20 years its international secretary; a member of the executive committee of the United Textile Workers of America since its inception up to the present time, and also a member of the emergency committee which is composed of five members only. I do not claim to represent all these interests, but I do know something of the feelings of the rank and file of the textile workers, and having talked recently with most of the secretaries of the large cotton workers' unions on the proposed tariff, I am somewhat conversant with the opinion of these men on this subject. I want to say that in our opinion the proposed duties are too low to prevent large importation of competitive products. Only yesterday I met President Golden, of the United Textile Workers' Association, who gave me permission to say for him that he was opposed to any reduction in the tariff that would be injurious to any of our cotton or woolen industries.

"Now, gentlemen, we are convinced that your proposed rates are too low to permit of continued employment, in view of importations that will surely follow the passage of this bill. Let me say here, however, that this does not mean lower wages for us. The large textile unions have declared in their conventions that in view of the high cost of living, wages must not be reduced. That any attempt to lower the wage rate will meet with our most strenuous opposition, so it is not lower wages we fear, but periods of no wages from a reduction of, or cessation of, output.

"We find no fault with revision of the tariff rates. The Democratic Party was elected to reduce the tariff, but I feel sure from the conversations I have had with the people in our mills that they trusted the party not to make such reductions as would tend to further increase the hardships of the workingmen. That this would be the result is proven by the fact that preparations we know are now being made by foreign manufacturers at no little expense to manufacture products for export to this country, which products are similar to those now being made by us. The jubilant spirit with which the cotton schedule has been received in England, by the president of the English manufacturers' association, down to the smallest manufacturer, is very apparent from trade and business conditions in England and the fact that in some cases jobbers and users of yarns from 50s upward are using the argument that in many cases it will be impossible for our manufacturers to quote prices within several cents a pound of that at which the foreign manufacturers can sell. I have in mind a case in my own city of New Bedford, where a mill bought 80s yarns from England in preference to making it themselves, although possessed of the facilities for so doing, when a general reduction of wages of 10 per cent took place, and they then commenced making the yarns themselves. It is only fair to say that this was some years ago and previous to the enactment of the Payne-Aldrich bill.

"I am no expert on cost of manufacture or sale of products, and can only speak to you from the employees' standpoint, viewing the situation as an employee would. I desire to impress upon you gentlemen the difficulties under which our industry is laboring at the present time. My local organization, with about 625 pairs of machines requiring the employment of 1,000 men and boys, has paid out in stoppage pay to its members during the past five years from $60,000 to $70,000, and we only pay for the first 13 weeks of stoppage. Stoppage pay is paid to the members of our union due to the stoppage of machinery, because of lack of work.

"As showing the condition of our industry, let me say that our mills in New Bedford, for example, have depreciated in the price of stocks within the last three years some 25 per cent to 50 per cent. Our industry in New Bedford is large and is built up almost wholly within the last 30 years on goods manufactured previously abroad. We have at the present time about 54,000 looms and 3,000,000 spindles. This is more spindles than there are in New England outside of the States of Massachusetts and Rhode Island, and half as many more than there are in Rhode Island.

"We ask you to consider seriously any proposed schedule that would seriously cripple this industry or the cotton business in general. I ought to add, however, that in New Bedford we are the great fine-goods center of this country. Our mills cost much more to build and equip than similar plants abroad, at least double the cost of English fine mills. Our wages are very much higher—according to the Tariff Board report, at least 75 per cent more than that paid in English mills. You can not afford to reduce our standard of living, and in order to maintain this we must have not only present wages but full continued employment.

"It has been suggested that a ground for determining the prepared tariff rates has been based on the labor cost. For instance, your subcommittee tell me that the value of the finished products made in the cotton mills of the United States are worth $628,000,000, and that the amount paid out in labor for making these products $133,000,000. This is about 20 per cent of the value of the finished product, and you say that you are giving us an average of 20 per cent duties. May I say, gentlemen, that it is unfair to take the average percentage of labor cost to the wholesale value of the finished product for the purpose of basing tariff rates. For instance, in my city, New Bedford, Mass., the wages paid to wholesale value of finished product would be from about 15 per cent to 60 per cent, or even 70 per cent, while the protection you propose would be from 10 per cent on the lower numbers to 25 per cent on the higher numbers. This condition would apply in a greater or lesser degree to the larger textile centers of this country.

"Your subcommittee asked me what rate of tariff duties I would support. I am not an expert on this matter, and can only suggest rates from my knowledge of labor costs in this country and abroad, and also with reference to the importations into this country. I have mentioned above the fact that a mill in the city of New Bedford commenced to manufacture 80 yarns rather than import them, which they had previously done, but only after there had been a reduction of 10 per cent in the wage cost. May I say here that the amount of importations of yarns of this number are greater than the amount manufactured in this country? The tariff duty on these yarns was 35 per cent. I should now suggest, since your subcommittee asked me, that the reduction be not less than 35 per cent on Nos. 90 to 100, not less than 10 per cent from Nos. 1 to 20, and a proportionate advance from Nos. 20 to 90, for each 10 numbers, with a duty of 40 per cent on numbers over 100, and a fair differential of increase for yarns advanced in manufacture beyond single in the gray and for cloths. This advance is about the proportion of advance in these numbers of the labor cost between this country and abroad.

"NEW BEDFORD, MASS., *May 23, 1913.*"

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

The SPEAKER pro tempore. Is there objection?

There was no objection.

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

The SPEAKER pro tempore. The gentleman from Washington makes a similar request. Is there objection?

There was no objection.

Mr. BRYAN. Mr. Speaker, under authority to extend my remarks in the RECORD, granted in connection with the placing of a certain resolution of the Spokane Chamber of Commerce in the RECORD on May 15, I desire now to add that the said resolutions by the Chamber of Commerce of the City of Spokane, Wash., were made by that body after special study by its committee on military affairs. I believe there is such merit in these findings and conclusions and the subject of adequate military consideration for the Pacific Coast States is so important as to warrant for these resolutions the careful attention of the officers having the matter in charge.

I desire to take advantage of this opportunity to sound a further voice of protest against the discrimination that has heretofore been practiced against the Western States by the Navy Department in the distribution of the ships.

There is a vast coast line out there, extending from the Panama Canal to the Aleutian Islands, constituting the mainland, that demands the constant care of the Navy.

We have in the Pacific Ocean the Philippine Islands, the Hawaiian Islands, and an immense ocean commerce. Diplomatically we are in constant negotiation with the Far East on topics of a more or less delicate nature. There is unrest on every hand.

It is a matter of common knowledge that ever since the Spanish-American War there have been greater chances of war in the Pacific Ocean than in the Atlantic. As the course of

empire has taken its course westward, so the possible area of conflict and controversy has gone westward. The Pacific Ocean presents to-day a race problem, the question of commercial supremacy, maritime authority, and naval control.

In the Western States and in Alaska lies practically every acre of the public domain of the United States, its coal and its timber. The Government owns practically all the land in Alaska, and it is now proposed to develop that land and the vast resources of Alaska by a Government railroad. The people of the Pacific coast are just as good people as those of the Atlantic, and they pay their taxes promptly. There is no reason why the fleet should be retained almost entirely in the Atlantic Ocean.

At this time the vessels in the Pacific are entirely inadequate to save the Government from a charge of partiality in the distribution of the fleet. Not a single first-class battleship in the Pacific Ocean. I do not care to say more, as my remarks might be misunderstood just at this time, but I am glad, while the public eye is turned to California and the Pacific coast, to call this matter to the attention of Congress. There is every reason why the Army should be garrisoned mainly in the Western States and a fleet of battleships be maintained in the Pacific Ocean. The people of the Western States demand that consideration.

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. 2272. An act providing for an increase in the number of midshipmen at the United States Naval Academy after June 30, 1913; to the Committee on Naval Affairs.

ADJOURNMENT.

Mr. BUCHANAN of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly the House, under its previous order, adjourned (at 3.40 o'clock p. m.) until Friday, June 13, 1913, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the schooner *Lively* in the case of The Insurance Co. of the State of Pennsylvania *v.* The United States (H. Doc. No. 66); to the Committee on Claims.

2. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the sloop *Robert* in the case of The President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 67); to the Committee on Claims.

3. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the brig *Julius Cæsar* in the case of The Insurance Co. of the State of Pennsylvania *v.* The United States (H. Doc. No. 68); to the Committee on Claims.

4. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the schooner *Leander* in the cases of The President and Directors of the Insurance Co. of North America *v.* The United States; John N. A. Griswold, trustee of United Insurance Co. of New York, *v.* The United States; T. B. Blucker, jr., and Charles C. Leary, receivers of the New York Insurance Co., *v.* The United States (H. Doc. No. 69); to the Committee on Claims.

5. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the brig *George* in the case of The Insurance Co. of the State of Pennsylvania *v.* The United States (H. Doc. No. 70); to the Committee on Claims.

6. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the brig *Anthony* in the case of the Insurance Co. of the State of Pennsylvania *v.* The United States (H. Doc. No. 71); to the Committee on Claims and ordered to be printed.

7. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the sloop *Betsey* in the case of the President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 72); to the Committee on Claims and ordered to be printed.

8. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claim relating to the brig *Lydia* in the case of the President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 73); to the Committee on Claims and ordered to be printed.

9. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the brig *Betsey* in the case of the President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 74); to the Committee on Claims and ordered to be printed.

10. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the sloop *Betsey* in the case of the President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 75); to the Committee on Claims and ordered to be printed.

11. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the ship *Thomas* in the case of The President and Directors of the Insurance Co. of North America *v.* The United States and of The Insurance Co. of the State of Pennsylvania *v.* The United States (H. Doc. No. 76); to the Committee on Claims and ordered to be printed.

12. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the schooner *Harriet* in the case of The Insurance Co. of the State of Pennsylvania *v.* The United States (H. Doc. No. 77); to the Committee on Claims and ordered to be printed.

13. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the schooner *Betsey and Nancy* in the case of George H. Butler, administrator of Benjamin Butler *v.* The United States and of Walter G. Eells, administrator of Samuel Eells *v.* The United States (H. Doc. No. 78); to the Committee on Claims and ordered to be printed.

14. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the brig *Fair American* in the case of The President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 79); to the Committee on Claims and ordered to be printed.

15. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the vessel brig *Jemima and Fanny* in the case of The Insurance Co. of the State of Pennsylvania *v.* The United States (H. Doc. No. 80); to the Committee on Claims and ordered to be printed.

16. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the brig *Aurora* in the case of The President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 81); to the Committee on Claims and ordered to be printed.

17. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the brig *Alfred* in the case of The President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 82); to the Committee on Claims and ordered to be printed.

18. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions of law in the French spoliation claims relating to the schooner *Scotland Neck* in the case of The President and Directors of the Insurance Co. of North America *v.* The United States (H. Doc. No. 83); to the Committee on Claims and ordered to be printed.

19. A letter from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact and conclusions in the case of Jacob Beekman Rawles *v.* The United States (H. Doc. No. 84); to the Committee on War Claims and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ASWELL: A bill (H. R. 5968) to effect certain reforms in the civil service by segregating clerks and employees of the white race from those of African blood or descent; to the Committee on Reform in the Civil Service.

By Mr. RUCKER: A bill (H. R. 5969) to codify, revise, and amend the laws relating to publicity of contributions and expenditures made for the purpose of influencing the nomination and election of candidates for the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. FERGUSSON: A bill (H. R. 5970) to reinstate certain Indian depredations cases on the dockets of the Court of Claims, and to authorize their readjudication according to an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891; to the Committee on Claims.

By Mr. STEVENS of Minnesota: A bill (H. R. 5971) to amend an act entitled "An act to prevent cruelty to animals in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes," approved June 29, 1906; to the Committee on Interstate and Foreign Commerce.

By Mr. AUSTIN: A bill (H. R. 5972) authorizing the Secretary of the Interior to make monthly settlements to certain persons borne on the pension rolls; to the Committee on Invalid Pensions.

By Mr. SABATH: A bill (H. R. 5973) to regulate the immigration of aliens to and the residence of aliens in the United States; to the Committee on Immigration and Naturalization.

By Mr. FERGUSSON: A bill (H. R. 5974) to provide for the surveying of the unsurveyed lands in the State of New Mexico; to the Committee on the Public Lands.

Also, a bill (H. R. 5975) to define procedure in creating forest reserves in the State of New Mexico; to the Committee on the Public Lands.

By Mr. SCULLY: A bill (H. R. 5976) to provide for the examination and survey of West Creek, Ocean County, N. J.; to the Committee on Rivers and Harbors.

By Mr. LEE of Pennsylvania: A bill (H. R. 5977) to provide for publication by national banking associations and savings banks and trust companies of the reports of resources and liabilities and dividends required to be made by them to the Comptroller of the Currency; to the Committee on Banking and Currency.

Also, a bill (H. R. 5978) to amend section 5 of the act of Congress entitled "An act to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States," enacted on the 29th day of June, 1906; to the Committee on Immigration and Naturalization.

By Mr. WICKERSHAM: A bill (H. R. 5979) to authorize the survey, platting, dedication, sale, and rental of the tidelands and the harbor area in front of and adjoining the town of Juneau, Alaska, and for other purposes; to the Committee on the Public Lands.

By Mr. EDMONDS: A bill (H. R. 5980) to authorize the President of the United States to build or acquire steamships for use as naval auxiliaries and transports, and to arrange for the use of these ships when not needed for such service, and to make an appropriation therefor; to the Committee on Naval Affairs.

By Mr. FLOYD of Arkansas: A bill (H. R. 5981) authorizing the Secretary of War in his discretion to deliver to the town of Berryville, in the State of Arkansas, four condemned bronze or brass cannon with their carriages and outfit of cannon balls, etc.; to the Committee on Military Affairs.

By Mr. SABATH: A bill (H. R. 5982) to amend an act entitled "An act to regulate the carriage of passengers by sea," approved August 2, 1882, as amended by an act approved December 19, 1908; to the Committee on the Merchant Marine and Fisheries.

By Mr. FRENCH: A bill (H. R. 5983) to regulate detached service in the line of the Army; to the Committee on Military Affairs.

Also, a bill (H. R. 5984) providing for the improvement of the Kootenai River in Idaho; to the Committee on Rivers and Harbors.

Also, a bill (H. R. 5985) providing for the improvement of the St. Marys and St. Joe Rivers in Idaho; to the Committee on Rivers and Harbors.

By Mr. FERGUSSON: A bill (H. R. 5986) to authorize the Secretary of the Treasury to pay to the governor of New Mexico for the use of the State of New Mexico in the furnishing of its capitol building the unused balance of the sum appropriated for the purpose of defraying the expenses of the constitutional convention of said State and certain elections; to the Committee on Appropriations.

Also, a bill (H. R. 5987) to encourage and promote the sinking of wells on desert lands in the State of New Mexico; to the Committee on the Public Lands.

By Mr. STEENERSON: A bill (H. R. 5988) to create a commission to be known as a country life institute and defining its duties and powers; to the Committee on Agriculture.

By Mr. FERGUSSON: A bill (H. R. 5989) to authorize the exploration and purchase of mines within the boundaries of private land claims; to the Committee on the Public Lands.

By Mr. WILDER: A bill (H. R. 5990) increasing the rate of pension of certain widows of soldiers and sailors in the late Civil War; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 5991) to authorize the payment of $2,000 to the widow of the late Tranquilino Luna, in full for his contest expenses in the contested-election case of Manzanares against Luna; to the Committee on Appropriations.

Also, a bill (H. R. 5992) to provide compensation for the owners of property injured or destroyed by overflow caused by the Government works at Lake McMillan, a part of the Carlsbad project, in New Mexico; to the Committee on Claims.

By Mr. TAYLOR of Colorado: A bill (H. R. 5993) authorizing the city of Montrose, Colo., to purchase certain public lands for public park purposes; to the Committee on the Public Lands.

By Mr. O'SHAUNESSY: Resolution (H. Res. 159) directing the Secretary of State to investigate the ownership of the beef industry in the Argentine Republic in so far as the same is controlled by individuals, partnerships, and corporations of the United States; to the Committee on Foreign Affairs.

By Mr. SMITH of New York: Resolution (H. Res. 160) directing the Committee on the District of Columbia to inquire into the practicability of requiring the substitution of electricity for steam in the operation of railway lines in the District of Columbia; to the Committee on the District of Columbia.

By Mr. ROTHERMEL: Resolution (H. Res. 161) providing for the appointment of a select committee of three Members of the House to visit the seal islands of Alaska and report upon the condition and conduct of the public interests thereon; to the Committee on Rules.

By Mr. KONOP: Resolution (H. Res. 162) authorizing the Committee on Expenditures on Public Buildings to have printing and binding done; to the Committee on Expenditures on Public Buildings.

By Mr. HINEBAUGH: Resolution (H. Res. 163) for the appointment of a select committee to investigate the receivership of the St. Louis & San Francisco Railroad; to the Committee on Rules.

By Mr. PEPPER: Resolution (H. Res. 164) authorizing the Chief Clerk of the House of Representatives to contract for the purchase or exchange of typewriters for the use of the House; to the Committee on Accounts.

By Mr. MURRAY of Oklahoma: Resolution (H. Res. 165) to amend the House rules, placing a limit to lobbying; to the Committee on Rules.

By Mr. CHANDLER of New York: Joint resolution (H. J. Res. 95) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. LEE of Pennsylvania: Memorials of the Legislature of Pennsylvania, favoring the establishment of a minimum rate of wages for employees in the arsenals of the United States of $1.50 for women and $2 for men; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 5994) granting a pension to Joseph E. Bilbo; to the Committee on Pensions.

By Mr. BROWN of New York: A bill (H. R. 5995) granting an increase of pension to Eleanor K. Fillis; to the Committee on Invalid Pensions.

Also, a bill (H. R. 5996) granting an increase of pension to Nora Johnston; to the Committee on Invalid Pensions.

By Mr. BUCHANAN of Illinois: A bill (H. R. 5997) to remove the charge of desertion against Peder Anderson; to the Committee on Military Affairs.

Also, a bill (H. R. 5998) to remove the charge of desertion against John Reardon; to the Committee on Military Affairs.

By Mr. CLAYPOOL: A bill (H. R. 5999) granting an increase of pension to Ezra Stevens; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6000) to appoint Brig. Gen. Thomas M. Anderson, United States Army, retired, to the grade of major general on the retired list of the Army; to the Committee on Military Affairs.

By Mr. DOOLITTLE: A bill (H. R. 6001) granting a pension to Margaret Duggan; to the Committee on Pensions.

By Mr. FESS: A bill (H. R. 6002) granting a pension to William Clephane; to the Committee on Invalid Pensions.

By Mr. FERGUSSON: A bill (H. R. 6003) to correct the military record of A. W. Sudduth; to the Committee on Military Affairs.

Also, a bill (H. R. 6004) to correct the military record of Ramon Padilla; to the Committee on Military Affairs.

Also, a bill (H R. 6005) for the relief of Juan Ocana; to the Committee on Military Affairs.

Also, a bill (H. R. 6006) granting land to school district No. 15, Taos County, N. Mex.; to the Committee on the Public Lands.

Also, a bill (H. R. 6007) for the relief of Jose T. Santillanes; to the Committee on Claims.

Also, a bill (H. R. 6008) granting a pension to Francisco Montoya; to the Committee on Pensions.

Also, a bill (H. R. 6009) granting a pension to Donaciano Gurule; to the Committee on Pensions.

Also, a bill (H. R. 6010) for the relief of B. A. Nymeyer; to the Committee on Claims.

Also, a bill (H. R. 6011) for the relief of the estate of Justiniano Castillo; to the Committee on Claims.

Also, a bill (H. R. 6012) granting an increase of pension to Margarita S. Salazar; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6013) for the relief of the heirs of Francisco Gonzalez; to the Committee on Claims.

Also, a bill (H. R. 6014) for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.; to the Committee on Claims.

Also, a bill (H. R. 6015) for the relief of Juan Paiz; to the Committee on Claims.

Also, a bill (H. R. 6016) for the relief of Machinist Alfonso M. Skinner, United States Navy, retired; to the Committee on Naval Affairs.

By Mr. FLOOD of Virginia: A bill (H. R. 6017) for the relief of Paymaster Alvin Hovey-King, United States Navy; to the Committee on Naval Affairs.

By Mr. FLOYD of Arkansas: A bill (H. R. 6018) granting a pension to Alice E. Welding; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6019) granting a pension to James H. Schneider; to the Committee on Pensions.

Also, a bill (H. R. 6020) granting an increase of pension to William D. Mahurin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6021) granting an increase of pension to William H. Cleveland; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6022) granting an increase of pension to William Lay; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6023) granting an increase of pension to John F. D. Gerall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6024) granting an increase of pension to Arminta Williams; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6025) granting an increase of pension to Wesley Roberts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6026) granting an increase of pension to Isom Richey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6027) granting an increase of pension to W. R. Gabbord; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6028) granting an increase of pension to John W. Morris; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6029) granting an increase of pension to Arthur G. McKeown; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6030) granting an increase of pension to John F. Dailey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6031) granting an increase of pension to Henry Conine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6032) granting an increase of pension to James Haley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6033) granting an increase of pension to John Kimbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6034) granting an increase of pension to Thomas Frederick; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6035) granting an increase of pension to Joshua Lindsey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6036) granting an increase of pension to M. Carlton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6037) granting an increase of pension to John Cavin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6038) granting an increase of pension to William Sturgeon, now known as William Patton; to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 6039) granting a pension to Patrick J. Dugan; to the Committee on Invalid Pensions.

By Mr. HENRY: A bill (H. R. 6040) for the relief of the heirs of James Caughlen; to the Committee on Claims.

By Mr. HINDS: A bill (H. R. 6041) granting a pension to Marie E. Tilton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6042) granting a pension to Annie Cantara; to the Committee on Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 6043) granting an increase of pension to Lewis Kotchin; to the Committee on Invalid Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 6044) granting an increase of pension to Walter S. Sylvester; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 6045) granting an increase of pension to George A. Swepeniser; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6046) granting a pension to Ella Afflerbach; to the Committee on Invalid Pensions.

By Mr. PETERS: A bill (H. R. 6047) granting a pension to Henry J. Hennigar, alias Edgar Swissberry; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 6048) granting a pension to Louis K. Rohde; to the Committee on Pensions.

Also, a bill (H. R. 6049) granting an increase of pension to James A. Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6050) granting an increase of pension to William J. Meek; to the Committee on Invalid Pensions.

Also, a bill (H. R. 6051) granting an increase of pension to Christopher C. Stevenson; to the Committee on Invalid Pensions.

By Mr. SMITH of Idaho: A bill (H. R. 6052) for the relief of William P. Havenor; to the Committee on the Public Lands.

By Mr. STEVENS of Minnesota: A bill (H. R. 6053) to authorize the Secretary of the Navy to amend the record of Lieut. William S. Cox; to the Committee on Naval Affairs.

By Mr. STONE: A bill (H. R. 6054) granting an increase of pension to Ferdinand Walser; to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 6055) for the relief of the trustees of the Presbyterian Church of Huttonsville, W. Va.; to the Committee on War 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. ANSBERRY: Petition of the Lima (Ohio) Presbytery, protesting against practicing polygamy in the United States and making it a crime against the Nation; to the Committee on the Judiciary.

By Mr. ASHBROOK: Petition of the Mineral City Hardware Co. and 10 other merchants of Mineral City, Ohio, favoring the passage of legislation to compel concerns selling goods direct to the consumer by mail to contribute their portion of the funds for the development of the local community, county, and State; to the Committee on Interstate and Foreign Commerce.

By Mr. CURRY: Petition of the Central Labor Council of Contra Costa County, Cal., favoring an investigation of the conditions of the West Virginia labor troubles; to the Committee on Labor.

By Mr. FLOYD of Arkansas: Papers to accompany bill for the relief of C. W. Reeves; to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of the Traffic Club of New York, favoring the continuance of the Commerce Court; to the Committee on Appropriations.

By Mr. HAYES: Petition of the Santa Clara County Humane Society, San Jose, Cal., favoring the passage of legislation pre-

venting the shipment of immature calves; to the Committee on Interstate and Foreign Commerce.

Also, petition of F. A. Miller, Riverside, Cal.; E. G. Hunt, Pasadena, Cal.; and the Foothill Study Club, Saratoga, Cal., favoring the passage of the bill preventing the importation of plumes and feathers of wild birds for commercial use; to the Committee on Ways and Means.

Also, petition of J. H. Humphreys and 7 other citizens of California, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of A. C. Rulopson, the Lodi (Cal.) Merchants' Association, and others of California, favoring the passage of a 1-cent letter postage rate; to the Committee on the Post Office and Post Roads.

Also, petition of H. A. Logan, Norwalk, Cal., and 3 other citizens of California, protesting against the reduction of the tariff on sugar; to the Committee on Ways and Means.

Also, petition of F. A. Hilen, Santa Cruz, Cal., favoring the passage of legislation for the creation of Mount Shasta, Cal., as a national park; to the Committee on Public Buildings and Grounds.

By Mr. HINDS: Petition of the Maine State Federation of Labor, protesting against reduction of the duty on paper; to the Committee on Ways and Means.

Also, papers to accompany bill for the relief of Maria E. Tilton, of Kittery, Me.; to the Committee on Invalid Pensions.

Also, papers to accompany bill for pensions for Annie Cantara, of Biddeford, Me.; to the Committee on Pensions.

By Mr. KAHN: Petition of the public buildings committee of the Civic League of Improvement Clubs, of San Francisco, Cal., favoring the erection of new buildings at the Golden Gate Life-Saving Station; to the Committee on Appropriations.

By Mr. KIESS of Pennsylvania: Evidence in support of House bill 5915 for the relief of Charles R. Taylor; to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: Petition of the John H. Doremus Co., of Passaic, N. J., protesting against the inclusion of commercial organizations in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Board of Health of the State of New Jersey, favoring the establishment of a committee on public health in the House of Representatives; to the Committee on Rules.

By Mr. McCOY: Petition of the Board of Street and Water Commissioners of the city of Newark, N. J., protesting against the abandonment of the city of Newark as an independent customs port; to the Committee on Ways and Means.

By Mr. McGILLICUDDY: Petition of the Maine State Federation of Labor, protesting against any reduction in the tariff on pulp or paper; to the Committee on Ways and Means.

By Mr. PALMER: Petition of sundry citizens of Philadelphia, Pa., favoring building a memorial bridge across the Delaware River between Philadelphia and Camden; to the Committee on Rivers and Harbors.

By Mr. PETERS: Petitions of sundry citizens of Boston, favoring the repeal of the clause in the Panama Canal act exempting American vessels from the payment of tolls; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: Papers to accompany bill (H. R. 1698) to provide for an enlarged homestead; to the Committee on the Public Lands.

By Mr. TUTTLE: Petition of the Board of Street and Water Commissioners of the city of Newark, N. J., protesting against the abandonment of the city of Newark as an independent customs port; to the Committee on Ways and Means.

By Mr. UNDERHILL: Petition of the National Woman's Christian Temperance Union, favoring the passage of the Sims amendment to the bill (H. R. 27876) relative to keeping the gates of the Panama Exposition closed on Sunday; to the Committee on Industrial Arts and Expositions.

By Mr. WALLIN: Petition of sundry residents of the thirtieth New York district, protesting against mutual life insurance funds in income-tax bill; to the Committee on Ways and Means.

Also, petition of the National Broom Manufacturers' Association, protesting against the reduction of the tariff on brooms; to the Committee on Ways and Means.

Also, petition of the Albany (N. Y.) Society of Engineers, favoring the deepening of the Hudson River to 27 feet as far as the Troy Dam; to the Committee on Rivers and Harbors.

By Mr. YOUNG of North Dakota: Petition of S. A. Johnson, of Bantry, N. Dak., protesting against the passage of bill (H. R. 4653) relating to the sale of patent medicines; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, *June 13, 1913.*

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The VICE PRESIDENT resumed the chair.

THE JOURNAL.

The VICE PRESIDENT. The Secretary will read the Journal of the preceding session.

Mr. JONES. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

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

Ashurst	Fall	Martin, Va.	Sheppard
Bacon	Fletcher	Myers	Sherman
Bankhead	Gallinger	Nelson	Shively
Brady	Gronna	Newlands	Simmons
Bristow	Hitchcock	Norris	Smith, Ga.
Bryan	Hollis	Overman	Smoot
Burton	Hughes	Owen	Sterling
Catron	James	Page	Stone
Chamberlain	Johnston, Ala.	Penrose	Sutherland
Chilton	Jones	Perkins	Thomas
Clapp	Kern	Pittman	Thompson
Clark, Wyo.	La Follette	Reed	Thornton
Crawford	Lane	Robinson	Townsend
Cummins	Lea	Root	Walsh
Dillingham	Lewis	Saulsbury	Williams
du Pont	McCumber	Shafroth	Works

Mr. THORNTON. I desire to announce that the junior Senator from Louisiana [Mr. RANSDELL] is absent on account of sickness.

Mr. TOWNSEND. The senior Senator from Michigan [Mr. SMITH] is absent from the city on important business. He is paired with the junior Senator from Missouri [Mr. REED]. I desire to have this announcement stand for all votes to-day.

Mr. CLARK of Wyoming. I desire to announce that my colleague [Mr. WARREN] has been called from the city on important public business, and that he is paired generally with the Senator from Florida [Mr. FLETCHER].

Mr. GALLINGER. I wish to announce the enforced absence of the junior Senator from Maine [Mr. BURLEIGH] by reason of prolonged illness.

Mr. LEWIS. I desire to announce the absence of the Senator from South Carolina [Mr. TILLMAN] on imperative business.

Mr. LEA. I desire to have the absence on important public business of the junior Senator from Tennessee [Mr. SHIELDS] noted.

The VICE PRESIDENT. Sixty-four Senators have answered to the roll call. A quorum is present. The Secretary will read the Journal of the proceedings of the preceding session.

The Secretary proceeded to read the Journal of the proceedings of Tuesday last.

Mr. SIMMONS. I move that the further reading of the Journal be dispensed with.

Mr. GALLINGER. That can only be done by unanimous consent.

The VICE PRESIDENT. Is there objection?

Mr. JONES. I object.

The VICE PRESIDENT. The Senator from Washington objects, and the Secretary will read the Journal.

The Secretary resumed the reading of the Journal, and was interrupted by

Mr. JONES. I understand that the Senator from Missouri [Mr. STONE] is anxious to take up the Indian appropriation bill. So I will withdraw my objection to dispensing with the reading of the Journal.

The VICE PRESIDENT. Is there objection to dispensing with the further reading of the Journal? The Chair hears none. Without objection, the Journal will stand approved.

TUBERCULOSIS CURES (S. DOC. NO. 102).

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th instant, certain reports and documentary information regarding so-called tuberculosis cures which have been given wide publicity, etc., which, with the accompanying papers, was referred to the Committee on Public Health and National Quarantine and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of findings of fact and conclusions filed by the court in the following causes:

Ethelbert Barrett, administrator of the estate of M. W. Garrison, deceased, *v.* United States (S. Doc. No. 106);