By Mr. BROWNING: A bill (H. R. 18787) granting a pension to Elizabeth Emmell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18788) granting an increase of pension to Anna W. Hawk; to the Committee on Invalid Pensions.

By Mr. COX: A bill (H. R. 18789) granting an increase of pension to Silas N. Whitted; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 18790) granting an increase of pension to William E. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18791) granting a pension to Harriet Trout; to the Committee on Invalid Pensions.

By Mr. EDMONDS: A bill (H. R. 18792) granting a pension to Johanna McL. Budge; to the Committee on Pensions.

By Mr. FOWLER: A bill (H. R. 18793) granting an increase of pension to Levi T. E. Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18794) granting an increase of pension to Charles McCurdy; to the Committee on Invalid Pensions.

By Mr. HAMILL: A bill (H. R. 18795) granting a pension to Anne Kennedy; to the Committee on Invalid Pensions.

By Mr. KELLY of Pennsylvania: A bill (H. R. 18796) for the relief of Catharine McCue; to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 18797) granting an increase of pension to Lewis Cole; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18798) granting an increase of pension to Virginia Smith; to the Committee on Pensions.

By Mr. POWERS: A bill (H. R. 18799) for the relief of the heirs of David Ballenger; to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 18800) granting an increase of pension to Lucinious A. Layton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18801) granting an increase of pension to Charles G. Walker; to the Committee on Invalid Pensions.

Mr. THOMPSON of Oklahoma: A bill (H. R. 18802) granting a pension to Thomas W. Boggs; to the Committee on Pensions.

Also, a bill (H. R. 18803) granting a pension to Joshua D. Ditto; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18804) granting a pension to John L. Barr; to the Committee on Invalid Pensions.

By Mr. WICKERSHAM: A bill (H. R. 18805) granting an increase of pension to Harvey M. Wilson; to the Committee on Invalid Pensions.

By Mr. WILLIS: A bill (H. R. 18806) granting a pension to Emma E. Shellenbarger; to the Committee on Invalid Pensions.

PETITIONS, ETC.

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

By Mr. AINEY: Petition of Rev. J. H. Dickerson and others, of Towanda, Pa., favoring national constitutional prohibition; to the Committee on Rules.

By Mr. BAILEY (by request): Petition of sundry citizens of Bedford County, Pa., favoring national prohibition; to the Committee on Rules.

By Mr. BARCHFELD: Petition of the Cigar and Stogie Manufacturers' Association of the city of Pittsburgh, Pa., against any increase of revenue tax upon cigars; to the Committee on Ways and Means.

By Mr. CARY: Petition of P. K. Jensen, paymaster's clerk, United States Navy, relative to status of paymasters' clerks in the United States Navy; to the Committee on Naval Affairs.

Also, petition of John Graf Co., of Milwaukee, Wis., and the Wisconsin State Bottlers' Association, against additional tax on "soft" drinks; to the Committee on Ways and Means.

Also, petition of the Consolidated Sheet Metal Works and the Biersach & Niedermeyer Co., of Milwaukee, Wis., favoring amending House bill 14288 so as to place sheet-metal work on an equality with plumbing, heating, and electrical work; to the Committee on Public Buildings and Grounds.

By Mr. GOOD: Petition of sundry citizens of the fifth congressional district of Iowa, favoring House bill 5308 to tax mail-order houses; to the Committee on Ways and Means.

By Mr. KENNEDY of Rhode Island: Petition of five citizens of Rhode Island, favoring national prohibition; to the Committee on Rules.

Also, petition of the Rumford Chemical Works, of Providence, R. I., relative to proposed tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. STAFFORD: Petition of various motion-picture employees of Milwaukee, Wis., protesting against any excise tax on theater tickets; to the Committee on Ways and Means.

By Mr. TREADWAY: Petition of the Central Labor Union of Boston, Mass., relative to strike situation in Colorado; to the Committee on Labor.

Also, petition of the Woman's Christian Temperance Union and the Equal Suffrage Leagues of Berkshire County, Mass., favoring Federal censorship of motion pictures; to the Committee on Education.

Also, petition of Branch No. 237, National Association of Civil Service Employees, of Pittsfield, Mass., favoring the Hamill civil-service retirement bill; to the Committee on Reform in the Civil Service.

By Mr. VOLLMER: Petition of Mrs. George Anderson and others, against Senate bill 5687 and House bill 16904, which would bring railroad tracks directly opposite Sibley Hospital and Rust Hall in Washington, D. C.; to the Committee on the District of Columbia.

SENATE.

TUESDAY, *September 15, 1914.*

(Legislative day of Saturday, September 5, 1914.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
Washington, September 15, 1914.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. J. T. ROBINSON, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. ROBINSON thereupon took the chair as Presiding Officer, and said:

The Senate resumes consideration of the unfinished business.

RIVER AND HARBOR APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes.

Mr. KENYON. Mr. President, at the time of the discussion yesterday of the governmental ownership of railroads, when I was railroaded off the floor, I was trying to read some of the comments of various papers in the country that seem to have taken more of interest in the river and harbor bill than the Senate. I want to proceed with that rather leisurely, because I have a great deal to say on this subject. I am anxious that this debate should proceed in a friendly spirit and without acrimony.

Criticisms of this bill, I think, ought not to arouse the feelings of any of the gentlemen who are upon the committee. They say they invite criticism, but not a filibuster. If we can not criticize the bill, of course there is but little use in discussing it. If any criticism of the bill is considered to be a criticism of the committee, then, of course, we can not discuss the bill without criticism of the committee. If any discussion of the bill is a criticism of the Army engineers, then we are precluded from discussing the bill, if we are to offend the feelings of the Army officers by doing so.

I have no desire, Mr. President, to offend anybody in this discussion. It has proceeded in a very pleasant way. There have been many pleasantries exchanged. The Senator from Texas [Mr. SHEPPARD] gave a most delightful presentation of the cause of Trinity River, and I did not intend in the reference to Dr. Cook to cast any reflection upon the Senator from Texas. I was merely paraphrasing what seemed to me a very pat simile in this Chamber some years ago made by my predecessor, Senator Dolliver, in relation to the tariff bill. So I hope that in the reading of these extracts, although reference is made therein to the term "pork barrel," it will give no offense to any Senator. If it offends the Army engineers, I shall be sorry, but if they are so easily offended they will have to be offended.

The Senator from Louisiana [Mr. RANSDELL] stated, substantially, that the opposition of the newspapers was a railroad opposition, although conceding that the very project that bears his name, known as the Ransdell-Humphreys bill, has been given publicity through contributions by the railroads. I am going to read from a number of these railroad papers, as he terms them. I do not want to interrupt any of the conversation, Mr. President.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

Mr. REED. Mr. President——

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

Mr. KENYON. I do.

Mr. REED. Mr. President, I desire to suggest the absence *of a quorum.*

Mr. KENYON. I hope the Senator will withdraw that request. The Senator knows that when a quorum is called the Senators come in and immediately go out, and it is of no avail.

Mr. REED. I am perfectly willing to withdraw it, if the Senator does not want to have me raise the point.

Mr. KENYON. We do not want to delay the consideration of this bill. I appreciate the kindness of the Senator from Missouri.

If it be true that all the papers and magazines opposing the river and harbor bill are doing it because of railroad influence, it indicates that the majority of the papers and magazines of this country are under that influence. It will amaze Pearson's Magazine, I know, to find out that they are influenced by the railroads in their opposition. It may amaze Harper's Weekly, Collier's, all the papers of New York City; nearly all, I think, of the papers of Chicago; some Baltimore papers; some Michigan papers; and, last of all, that great railroad magazine known as La Follette's. It will be the first time, I think, that it has been charged with being influenced by the railroads, and yet on the front page of La Follette's of September 12, over the signature of Senator LA FOLLETTE, there is a scathing arraignment of this bill. Senator LA FOLLETTE is not given to speaking carelessly. He is not subjected to any improper influences. He has fought a battle in this country that is an inspiration to any man in public life who is trying to fight for the right thing, and is worn out and sick after having almost given his life to the people of this country. Some day they are going to appreciate it more than they do now. I shall wind up these clippings with what he has to say about this vicious bill. If there be offensive things in these articles, I want to cut them out. I have tried to blue-pencil them. The Baltimore Sun of September 14 says:

[From the Sun, Monday, September 14, 1914.]

POSTPONING THE DISTRIBUTION OF LOOT.

The Democrats in the Senate now purpose to take about $18,000,000 of appropriations out of the river and harbor bill, pass it, and promise the constituencies whose pork has been withheld from them that in March of next year their doles from the National Treasury will be forthcoming.

Having accomplished this postponement of a wretched extravagance, these same Democrats will turn their hands to the enactment of a new tax law to replenish a depleted Treasury. They will direct attention to President Wilson's skillful advocacy of new imposts to protect themselves in the fall elections, and from their lips we may expect the most fervid appeals to our patriotism and devotion to sustain the administration in the difficult days through which the Nation is passing.

Citizens throughout the United States will be asked to return to the House of Representatives the partisans of an organization which, in 1912, denounced its opponents for extravagance and pledged itself to economy; which in 1914 threw to the winds its pretense that it desired to relieve the taxpayers of their burden; which found the Nation unexpectedly involved in a financial entanglement necessitating the levy of new taxes at a time when commerce and industry were severely shaken in their operations; and which, in the face of every material and ethical consideration, persisted in its extravagances, apologized for the moderation of its wastefulness, and bound itself to complete, in half a year, the job of looting only half accomplished when election day dawns.

It is the declared belief of many Democrats that had there been no European war their candidates for the House would have fared badly this fall, but that the turmoil across the ocean has diverted attention to a degree which renders their success certain. Is this opinion founded on a correct analysis of public sentiment? Or will the American electors refuse to be blinded to the actual situation to which their Congress has come to-day?

The Philadelphia Inquirer of September 14 seems to be somewhat excited about the Pennsylvania appropriations and has an editorial entitled "Save the Delaware appropriation."

In the interest of economy the Democrats of the Senate have agreed to cut down the rivers and harbors bill by some $18,000,000. This looks well on its face until the items are examined, when it appears that practically all this saving represents really necessary work which commerce requires, while the remaining $25,000,000 is almost exclusively "pork."

Of course this paper is not correct in that statement, because, as we have always said, the bill is full of good propositions as well as bad propositions, and the cuts the committee have made have been beneficial and have assisted in making it a better bill. Indeed, it could not help it.

Gooseneck Creek, in New Jersey, which is 6 feet deep at high tide and 6 inches of mud at low tide, is saved. Minnow streams in North Carolina go untouched.

That is not correct, as the committee, I think, has taken out one creek in North Carolina.

Texas rivers 100 miles from their mouth are to be dredged, but the Delaware River is to be sacrificed.

There seems to be a little uncertainty as to the reports which have come from the dark chamber of the Senate committee, but apparently the work on the Delaware is to be stopped entirely, although Congressman MOORE hopes that $1,000,000 can be saved for continuing present dredging.

Mr. BURTON. Mr. President, I must ask for order. It seems to me there is an unusual amount of conversation in the Chamber this morning and it is so audible that it makes it almost impossible for a Senator to be heard.

Mr. KENYON. I realize that in a large attendance there must, of course, be some disorder. I am trying to bear it with fortitude.

The PRESIDING OFFICER. The Chair will enforce the rule hereafter.

Mr. KENYON (reading)—

The Chesapeake & Delaware Canal appropriation is thrown overboard once more, and with it goes the chance for a deep channel from this city to Baltimore and the first important link in the inland waterways. If there is no appropriation, the whole work will stop, with serious consequences. Not only will many be thrown out of employment, but to suspend operations now will simply mean doing a lot of work over again.

I should like to ask the Senator from Louisiana [Mr. RANSDELL] if it is true that the provision for Delaware River was cut by the committee?

Mr. RANSDELL. The direct appropriation was cut out, coupled with a provision that the Engineer Corps should attempt to contract for the purchase of the canal.

Mr. KENYON. I am referring to the Delaware River, not the canal.

Mr. RANSDELL. I beg pardon; I was reading, and I did not catch the point.

The Delaware River appropriation was $1,000,000 in cash, and it authorized contracts to the extent of $1,000,000. The contract portion was eliminated under the advice of the engineer, who said that $1,000,000 would be all that could be expended prior to the 1st of next March.

Mr. KENYON. What was the appropriation in the bill as originally reported to the Senate for Delaware River?

Mr. RANSDELL. One million dollars in cash, and it authorized contracts for $1,000,000. The $1,000,000 in cash remains and the authorized contract provision is eliminated.

Mr. KENYON. The proposition of a canal the Senator started to speak of, was that eliminated?

Mr. RANSDELL. In part. The direct appropriation of $2,250,000 was eliminated, with the proviso that the Engineer Corps should contract for the purchase of the Chesapeake & Delaware Canal, and failing to make a satisfactory contract for its purchase, that condemnation proceedings should be conducted; and provision was made for the carrying on of condemnation proceedings. Both the contract for purchase, in event of a satisfactory purchase, and the award in the condemnation proceedings, in case that be necessary, will be submitted to Congress for its ratification and an appropriation.

Mr. BURTON. Mr. President——

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

Mr. KENYON. I do.

Mr. BURTON. It seems to me the provision contained here on pages 15 and 16 of the substitute for section 1 is a committal to this project. It is first stated on page 15:

Improving inland waterway from Delaware River to Chesapeake Bay, Del. and Md., in accordance with the project recommended by the Chief of Engineers in paragraph 3 of his report, dated August 9, 1913, as published in House Document No. 196, Sixty-third Congress, first session.

That means something. The bill contains a provision for improving that inland waterway.

Mr. RANSDELL. But no appropriation is made.

Mr. BURTON. Well, now, let us see what follows:

The Secretary of War is hereby authorized to enter into negotiations for the purchase of the existing Chesapeake & Delaware Canal, and all the property, rights of property, franchises, and appurtenances used or acquired for use in connection therewith or appertaining thereto, and he is further authorized, if in his judgment the price is reasonable and satisfactory, to make a contract for the purchase of the same subject to future ratification and appropriation by the Congress.

The words "subject to future ratification and appropriation by the Congress" would seem to carry a certain amount of weight, and everyone knows if that kind of a contract, a solemn contract by a Cabinet officer, the Secretary of War, is entered into, Congress would be under not merely an implied obligation but under an actual obligation to ratify his action.

Mr. KENYON. Does not the Senator from Ohio observe the language which follows, "In the event of the inability"——

Mr. BURTON. I am going to read that.

Mr. KENYON. Condemnation proceedings are provided for.

Mr. BURTON. So that making it subject to the future action of Congress, when you start out with a provision for improving that waterway will be no check upon the expenditure

that would be made necessary by the contract. Still later there follows this language:

In the event of the inability of the Secretary of War to make a satisfactory contract for the voluntary purchase of said canal and its appurtenances, he is hereby authorized and directed—

Authorized and directed—

through the Attorney General to institute and carry to completion—

"And carry to completion"—note those words—

proceedings for the condemnation of said canal and its appurtenances, the acceptance of the award in said proceedings to be subject to the future ratification and appropriation by Congress. Such condemnation proceedings shall be instituted and conducted in, and jurisdiction of said proceedings is hereby given to, the District Court of the United States for the District of Delaware substantially as provided in "An act to authorize condemnation of land for sites for public buildings and for other purposes," approved August 1, 1888, and the sum of $5,000 is hereby appropriated to pay the necessary costs thereof and expenses in connection therewith.

Suppose the Secretary of War does not make a satisfactory contract, he then proceeds with action marked by decisiveness and solemnity in the form of condemnation proceedings. What would be the position of the United States Government if it haled this canal company into the courts in a lawsuit, and in that lawsuit there was a valuation placed upon the property? Why, indeed, Mr. President, in condemnation proceedings, in order to obtain jurisdiction, it is necessary to make the statement that the property is needed, and that the condemnor, the Government of the United States, is unable to agree with the parties. You must make those asseverations; and then the case proceeds to a valuation. It would be a violation of its obligations to its citizens if the Government of the United States should institute and, in the language of the proposed statute, "carry to completion" proceedings for condemnation if the Congress should not complete the work.

Another thing. I am not positive as to the statutes of the State of Delaware, but the statutes of most of the States contain a provision that if condemnation proceedings are instituted, and the condemnor fails to take the property at the valuation fixed, the expenses, the legal fees, of the owner of the land in the condemnation suit must be paid by the one instituting the condemnation proceedings. In a case like this, the expense would be not less than 5 per cent of two million and a half dollars, or $125,000. Even if you proceed on the theory that it is not binding, a large amount of costs would be thrown upon the Government. Whether or not there is such a statute as that in Delaware, it would be utterly unjust to compel the owners of the property to come into court, meet a proceeding that looks to the acquisition of the property, and not pay them their expenses.

Just see what a farce this provision is! Here is an improvement which, according to the estimate of the engineers, would cost $8,000,000, and the paltry sum of $5,000 is hereby appropriated. Mr. President, that is typical of very much of our river and harbor legislation in the past few years. A project so extensive and so costly as to be an important factor in requiring additional revenue legislation is undertaken by the United States Government; by solemn legislation the Government commits itself to it; and yet it is proposed to appropriate but a trivial fraction of the whole amount.

What is the businesslike policy? If we are going to take that canal, let us face the question courageously; let us provide the whole amount of $8,000,000 right here and now, instead of providing $5,000. I have again and again spoken to the Senate in regard to the objections to this plan of appropriating a small fraction, and this item here emphasizes the viciousness of the proposed appropriation as clearly and as emphatically as any item that has been brought before Congress.

Mr. SMOOT. Mr. President——

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

Mr. KENYON. I yield to the Senator from Utah.

Mr. SMOOT. I merely desire to ask the Senator from Ohio if there is anything in the present appropriation of $5,000 which indicates what additional amount will be required to complete the project?

Mr. BURTON. No; there is nothing in this bill, so far as the paragraphs contained in it are concerned, which gives the least intimation as to what the ultimate cost will be. You can go outside, to executive documents, and there learn that it contemplates an expenditure of $8,000,000 for a channel of 12 feet depth. Everyone knows that no one will be satisfied with the depth of 12 feet there; that will be but a beginning for a deeper and much more expensive channel.

Mr. KENYON. And this is one of the——

Mr. BURTON. Now, if the Senator from Iowa will excuse me a moment, I do not myself believe that a connecting link at that point between the Delaware and Chesapeake Bay, with their deep channels, with a channel of only 12 feet would be of any especial benefit. It would be seeking to perpetuate shallow-draft navigation between Baltimore and Philadelphia in a place where for the whole distance, except the length of this canal, there is a possibility of deep-draft navigation.

Mr. KENYON. It would eventually mean a 25-foot channel, would it not?

Mr. RANSDELL. Mr. President——

The PRESIDING OFFICER. Dose the Senator from Iowa yield to the Senator from Louisiana?

Mr. KENYON. I do.

Mr. RANSDELL. I should like to say just a few words, Mr. President, about this proposition. The Senator from Ohio [Mr. BURTON] seems inclined to criticize it very severely. I will say that, as I understand this provision, it does not commit Congress absolutely to the project; but I, for one, would like to see it so committed. I believe it is a good project. It certainly comes to us very highly recommended. It was recommended by the Agnus Commission, which was appointed several years ago and made an elaborate examination. That commission thought there should be a 25-foot depth between the Delaware and Chesapeake Bays; that the colossal commerce between those two bays warranted a greater depth than 12 feet, and strongly urged upon Congress the purchase of this private canal, which they said was worth $2,514,000.

Later, an engineering commission was created which, after a most elaborate examination, reported in favor of a 12-foot depth, and suggested that Congress could well afford to pay $2,514,000 for the purchase of the Chesapeake and Delaware Canal. This engineering commission thought that a 12-foot waterway would be highly satisfactory. We are now constructing an inland waterway with a depth of 12 feet along the coasts of Virginia and North Carolina which will probably be extended farther down the coast, and many vessels from that region would doubtless pass up to the Chesapeake Bay and through the Chesapeake and Delaware Canal on to Philadelphia. There is certainly a large commerce that would not need any more than 12 feet. It is known also that a 12-foot depth would be very satisfactory to a large portion of the commerce of this country.

The State of New York is building a 12-foot canal now from Troy on the Hudson to Buffalo, at a very great cost. It proposes to expend something like $137,000,000 for the canal across the State of New York and the connecting canals to Lake Ontario and Lake Champlain—an enormous sum for a 12-foot waterway. Beyond question, a waterway of 12 feet from the Chesapeake to the Delaware would be very valuable.

A 12-foot Chesapeake and Delaware Canal would save 318 miles of distance between Baltimore and Philadelphia, and while a waterway of that kind would be good, I do not consider that the provision in the pending bill commits the Government to the project absolutely. It says, after authorizing the Secretary of War to make a contract, that that contract is to be made "subject to future ratification and appropriation by the Congress." If that means anything at all, it means that if Congress hereafter shall find that the contract is not a proper one or that the project itself is not a proper one, it can refuse to ratify that contract. The bill then provides for condemnation in the same way, "subject to the future ratification and appropriation by Congress." Those words surely mean something. If they mean anything at all, they mean that we have the right in the future to approve or disapprove the action taken by the Secretary of War in regard to that proposition.

Mr. BURTON. Mr. President, will the Senator from Louisiana yield to me for a question?

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

Mr. KENYON. I will yield, but I do not care to lose the floor again.

Mr. BURTON. If it is desirable to ascertain the amount for which this waterway or the rights of the existing company in the waterway can be acquired, is there not an exceedingly simple way to do it, namely, for the Secretary of War to enter into negotiations with the company and find out for what it can be acquired? If the provision is incorporated in the bill merely in order to enable Congress to decide whether or not it wants the canal, why is it necessary to provide for the making of a contract and, what is far more to the point, to provide for condemnation proceedings? Under this provision, if the Secretary of War and the company owning the canal can not agree as to the price, he is distinctly requested and directed to institute condemnation proceedings. What does that mean? There is only one meaning; it is a committal to the project.

Mr. RANSDELL. Mr. President, I will ask the Senator from Delaware [Mr. SAULSBURY], who is much more familiar with

the reasons for the provision in regard to condemnation proceedings than myself, to answer that part of the question; but before yielding to him I wish to say that we have a well-established precedent for our proposed action in this matter in the case of the Chesapeake & Albemarle Canal. In the act of 1910 provision was made in almost exactly the same words as the provision now being discussed, authorizing the Secretary of War to contract for the purchase of that canal, subject to the future ratification and appropriation by Congress.

Mr. KENYON. And Congress appropriated for the canal.

Mr. RANSDELL. Congress made the appropriation.

Mr. KENYON. Just as it would in this case, of course.

Mr. RANSDELL. I will say to the Senator, in all sincerity, that I hope we will make a future appropriation for the Chesapeake & Delaware Canal, which I have studied as carefully as I have ever studied anything; and I believe it is one of the very best projects in this bill.

Mr. KENYON. Then why not settle the matter now?

Mr. RANSDELL. I will ask the Senator from Delaware to reply to that portion of the remarks of the Senator from Ohio relative to the condemnation proceedings.

Mr. BURTON. Mr. President, if the Senator from Iowa will yield to me just a moment, I want to give credit to the Senator from Louisiana for being a great deal more frank than this proposition in the bill is.

Mr. RANSDELL. I do not understand that I am any more frank. I helped frame that provision.

Mr. SAULSBURY. Mr. President——

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

Mr. KENYON. I do.

Mr. SAULSBURY. Mr. President, it does not seem to me that there is any question of frankness about this proposition. Having agreed to this provision as drawn, I can assume my share of the responsibility for it, in lieu of the provision contained in the bill as originally reported and in lieu of the provision of the House bill, which made an appropriation of $1,300,000 for the purchase of this canal. Notwithstanding the continued and strong assurances we have had of the overwhelming knowledge of the Senator from Ohio regarding all the waterways of this country and the rest of the world, I must say that in referring—I did not happen to be in the Chamber at the time his remarks were made—to the traffic upon the Delaware and Chesapeake Canal, and I presume with regard to many of the other characteristics of the enterprise, he was somewhere near 60 per cent right and from 30 to 40 per cent wrong. I recall—although I have not his speech made some two weeks ago before me, not anticipating that this matter would come up this morning, but I have read it in the RECORD—that he stated, I think, that the traffic on that canal as it now exists was about 600,000 tons a year. As a matter of fact, it is between 900,000 and a million tons a year. It has been increasing for some time, and the longer the Government postpones taking over this canal, in my judgment, the greater price it will pay for it, because the traffic has been continually increasing for the last 10 years, although between the eighties and up to about 10 years ago it had decreased.

I want to say that notwithstanding a number of muck-raking articles in various magazines—and I was rather hoping that the Senator from Iowa would read one to which I intended to refer when we came to that matter in order to show how absolutely unreliable these articles are—notwithstanding these articles and the statement of the Senator from Iowa that this property was worth 49 cents on the dollar on its bonds, or somewhere about $1,300,000, the company which owns the canal made net last year $118,000, which it distributed partially to its bondholders at 4 per cent on their bonds. All these facts are just as open to the Senator from Ohio and to the magazine writers and to the newspaper writers who have attempted to deal with this subject as they are to me or to anyone else or to the Committee on Commerce.

Here is a great public work, in my judgment, and I want to say that the people of my State have very little interest in this canal. It goes through the State, but so far as I know there are no holders of the securities of this canal company in my State. If there are, I have not been informed of it. There is, however, a great commerce on the Chesapeake Bay and the Delaware Bay, amounting to 50,000,000 tons of registered tonnage, and it is estimated that the unregistered tonnage added to this 50,000,000 tons would bring it pretty nearly to 100,000,000 tons, which can be exchanged through this canal if the canal is properly opened and operated.

To my mind this is one of the most important matters for this Government to consider. It is being demonstrated every day by what has happened in Europe that we can do no better in this country than to provide the means for the concentration of our ships of war and our fleets at any point on the coast which might be attacked in case we were so unfortunate as to get into war. The result of this completed project, if it is completed, as I hope it will be, to a deep enough channel through the 14 miles intervening between these two great bays, would be to concentrate all the vessels of our war fleet which might be in both these great bays at any point we desired with absolutely no knowledge on the part of any enemy which might attack us, thereby protecting hundreds of miles of coast.

Mr. BURTON. Mr. President——

Mr. KENYON. You could not do that with a 12-foot channel.

Mr. BURTON. I was about to ask how many of our warships could go through a 12-foot channel?

Mr. SAULSBURY. It is manifest that they could not do that. I refer, as I say, to the completed project when it comes. If the Senator will bear with me for a few minutes, I think I shall be able to answer the suggestions he makes.

That is the sort of channel which is recommended for military and naval purposes. I want to say to the learned Senators who have taken so much interest in opposing this project that if this provision shall be adopted in this bill I propose to ask that a resolution be passed by the Senate requesting the opinions of the chiefs of staff and the naval and military boards as to the military, naval, and strategic value of this canal. I propose to ask those men in the Navy Department, those men who have been in the naval service and are now in the naval service, what in their opinion will be the value of this canal to the Government of the United States in comparison with that great canal which is now practically the means by which Germany is protecting its fleet, by which it is keeping the whole English fleet distracted as to where that fleet will appear—the Kiel Canal.

I believe that a canal of this character between these two great bays, if it proves its value—as I think it will—will be supplemented by another canal between deep water on the Delaware and deep water in New York Bay. In such an event as that the whole American fleet, for the defense of our eastern seaboard, could be assembled and concentrated practically at any point from Narragansett Bay to the Virginia Capes without any enemy knowing where the fleet was or where any ship was.

I believe provisions of this kind are very greatly needed, and I think their cost is comparatively little. I think opposition to a provision of this kind, which I am going to try to explain now, is most unfortunate. I think that if a provision of this kind is not passed, with the additional information which can be obtained from all the heads of the strategic boards and our chiefs of staff, and what not, it may mean a very great misfortune to this country.

Now, regarding this provision, the statute read into this bill by reference regarding the condemnation provisions is practically one which applies the local condemnation laws to the acquisition of property needed by the Government. I may say to the Senator from Ohio that our custom regarding condemnations is this, and this is our law, speaking in a general way: We have a great many special acts regarding condemnations; but the general law of the State of Delaware regarding condemnations, for example, for railroad purposes and similar purposes, is that the condemnor or the petitioner for condemnation makes this application to the court for the appointment of a commission of five to go upon the premises and estimate the fair value of the land or property sought to be taken. That is done, and an estimate made to the court by those five commissioners, who, of course, are sworn, and all the formalities complied with. That may be accepted or may not be accepted by the persons petitioning for condemnation, the company desiring it, or the public, in such a case as this. If they are dissatisfied with the amount awarded by these five commissioners, they then ask for what we term a sheriff's jury, 12 men summoned by the sheriff in his bailiwick—in this case it would be the marshal in his district—and those 12 men determine the value of the property; but the petitioner does not take the property if he is unwilling to pay the price of it. His power of condemnation simply fails. It is exhausted by its exercise.

Mr. KENYON. I should like to ask the Senator who pays the cost of the proceedings?

Mr. SAULSBURY. That was one of the most absurd and ridiculous suggestions I have ever heard, if I am not using——

Mr. BURTON. In that connection I may say that whether it is absurd and ridiculous or not, it is a very general provision in the laws of the States pertaining to the condemnation of property. I should like to ask the Senator from Delaware whether he believes that the owner of property ought to be haled into court, carried through expensive litigation, in which

he must engage lawyers, and then the condemnor may trifle with him by dropping it and not paying him a dollar for his expenses or his attorneys' fees? Is that such a course as a beneficent Government ought to pursue toward its citizens? Is it just or fair, when such a burden is imposed upon a citizen of the State of Delaware or of any State, to say that the Government may play fast and loose with him after a price has been fixed, drop the proceedings, fail to take the property, and not pay him a nickel for his expenses?

Mr. SAULSBURY. The adjectives used in connection with the remarks of the Senator from Ohio, I think, are characteristic of most of the remarks made in connection with a number of these propositions, and particularly with respect to this proposition. I do not consider it trifling to have men disagree in regard to the price which they will pay, or at which they will sell property. I do not consider it trifling or such a great hardship, upon their being unable to agree—as I shall show they will be unable to agree in this particular case—that there should be 5 men or 12 men subsequently asked to fix a price. Men have to pay their lawyers many, many times in defending cases when they come into court. This is the usual, ordinary, and while not every day, every week, or every month proceeding which we have in our State.

Mr. KENYON. Is there not an attorney's fee provided, under the Senator's statute, for the owner of the land?

Mr. SAULSBURY. There is not; no. The owner of the land defends his title at his own expense.

Mr. KENYON. Who pays the jury, and who pays the sheriff?

Mr. SAULSBURY. The cost of the jury is $2 a day per man and 6 cents mileage. The court costs probably would be somewhere about $25 or $50.

Mr. KENYON. Are those taxed to either of the parties?

Mr. SAULSBURY. They are taxed to and paid by the petitioner for condemnation.

Mr. KENYON. If the petitioner for condemnation does not accept the ward, and lets the matter go, he has to pay the costs?

Mr. SAULSBURY. He has to pay the costs.

Mr. KENYON. That would be the Government?

Mr. SAULSBURY. That would be the Government paying the costs.

Mr. KENYON. So that the Government would have to pay the costs?

Mr. SAULSBURY. I want to say that in this particular case I urged the Committee on Commerce to put a sum of not less than $10,000 in the bill for the cost of this condemnation proceeding.

Mr. KENYON. Five thousand dollars would not be sufficient?

Mr. SAULSBURY. My impression is that $5,000 would be sufficient; that is my impression. But I have thought that there should be a substantial sum appropriated by this bill for these proceedings; and I am perfectly willing, if the Senator from Ohio sees fit, in carrying out his object of having absolute justice for the owners of this canal, that he may provide that their attorneys' fees shall be paid.

Mr. KENYON. That they shall be paid by the Government?

Mr. SAULSBURY. By the Government. I think it would not be unfair in that case, although it is the rarest thing in the world under our practice to provide that a defendant shall do so.

Mr. KENYON. Probably there will be no difficulty in having that provision in a bill of this kind if the project should be carried through.

Mr. SAULSBURY. None whatever. I have not asked for it, however. The price obtained for the canal by the owners of the canal would doubtless enable them to pay their attorneys' fees in such a case as that.

I think I have shown that we are simply following the usual course here. Now, I desire to suggest that there could be no fairer or better way of advising the Congress as to the exact price it would have to pay for this canal than the one here determined upon. In the first place, the Secretary of War is authorized to negotiate for a conditional contract, subject to ratification by the Congress hereafter. If he fails—and he will fail in that—then he may ascertain the price at which this canal may be obtained by reference to commissioners in condemnation or to a jury to assess the damages.

I will try to show now why negotiations will necessarily fail in this case. I hesitate to take up the time of the Senate in rehearsing what I stated in a speech on this subject which I made as long ago as last May.

Mr. KENYON. I am very glad to have the Senator go ahead. I was going to say that undoubtedly in the further progress of what I have to say we would reach this item, and I had expected to take it up and offer a few suggestions about it. It is just as the Senator pleases, however. We can go ahead with the more extended discussion now if he desires.

Mr. SAULSBURY. If I may, I will not extend my remarks further than to describe why these negotiations will necessarily fail, and that possibly will be of interest hereafter.

This canal was built in 1829, and it is described in the various public reports, beginning in 1872, made to the Government regarding the advisability of obtaining this canal for the Government as being worth at replacement value something like $3,700,000 or $3,000,000. The Government reports from along in the seventies until now have practically advised the purchase of this canal at $2,500,000. I think the canal can be had by the Government at less cost than that. I believe it can be purchased or condemned for the price fixed in this bill originally, $2,250,000; and, of course, I want to save the Government every cent possible in connection with any purchase or condemnation. The canal works and property are bonded to the extent of two million six hundred and odd thousand dollars. Every bondholder of the canal—and they are now receiving 4 per cent on the money invested—demands, as stated to a committee of investigation, composed of the Senator from California [Mr. WORKS], the Senator from South Dakota [Mr. STERLING], and myself, 100 cents on the dollar for his bonds.

The State of Pennsylvania, through its insurance department, permits its insurance companies to hold those bonds, I think, at 64 cents on the dollar, showing that through the best investigation that can be made in the State of Pennsylvania—which uses this canal, through the city of Philadelphia, more than any other State in the country—this canal is worth, we will say, $1,800,000.

No contract for the purchase of this canal can be made which does not allow something for the stockholders as well as the bondholders; and if anything is allowed the stockholders, you will have to pay the bonds in full; so that, in addition to the two million six hundred thousand and odd dollars of bonds you will have to give the stockholders something, or they simply will not make the agreement, because they would lose nothing if they did not make the agreement. In such an event as that you must have some estimate as to the physical value of the canal and the actual value of it to this Government; and for that reason this provision in regard to condemnation, which will advise Congress as to the last cent which it will be necessary to pay for this canal, is included in this bill; and any bill which did not provide for it would be absolutely useless.

Mr. SIMMONS. Mr. President——

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

Mr. KENYON. I do.

Mr. SIMMONS. I wish the Senator would permit me to ask the Senator from Delaware a question. I understood the Senator to say that the bonds of this company were 4 per cent bonds, and that there were $2,400,000 of those bonds outstanding.

Mr. SAULSBURY. Two million six hundred and odd thousand dollars. The bonds were 5 per cent bonds, but, by consent of the bondholders, the interest charge on them was reduced to 4 per cent.

Mr. SIMMONS. Will the Senator state to the Senate whether he has personal information or knowledge whether there ever has been any default in the payment of this 4 per cent interest?

Mr. SAULSBURY. There was a defalcation by some dishonest officials of this company along in the eighties, when the treasurer and assistant treasurer, I think, stole about $600,000. They were both caught and put in jail, and at that time this company was in very great difficulties. That led to the reduction of the interest charge of 5 per cent on the canal bonds to 4 per cent, because that embezzlement had to be paid by the company.

Mr. SIMMONS. Since that time they have been paying regularly 4 per cent?

Mr. SAULSBURY. Regularly; and there is a surplus of earnings. To state it from recollection, and not claiming to be exactly accurate, I think the interest charge at 4 per cent on the bonds of this canal is something like $104,000, but the canal has earned $118,000 net, leaving a surplus of about $14,000 over the interest on the bonds.

Mr. KENYON. The United States owns some stock in that canal, does it not?

Mr. SAULSBURY. The United States and the States of Pennsylvania, Delaware, and Maryland all contributed toward building the canal, and the United States has a very substantial holding of stock.

Mr. KENYON. Has the United States ever received any dividends on the stock?

Mr. SAULSBURY. I want to say to the Senator that he will obtain the figures and the facts accurately regarding the matters about which he inquires if he will examine the report made by the Committee on Coast and Insular Survey, of which I am chairman, which was made to the Senate pursuant to a reso-

lution adopted authorizing an investigation. To answer his question briefly, I will state that report shows that up to some time in the eighties the Government had received dividends, in some instances, I think, only stock dividends on its own stock, and that some $25,000 or $50,000 of the dividends due to the Government were embezzled by the same dishonest officials who were then in charge of the canal in the eighties, and that a suit is now pending, I understand, by the Government against the canal company to recover that amount of dividends. I do not know that it will be successful.

Mr. KENYON. I have the official report here of the case in Two hundred and sixth Federal Reporter, but I was unable to gather from that case whether any dividend had ever been paid or not.

Mr. SAULSBURY. Yes; before then; and then they were stolen by those dishonest officials. Before that time the Government had received dividends.

Mr. KENYON. The bill of particulars sets forth that—

To sums of money due and owing to the United States of America as the owner and holder of 14,625 shares of the capital stock of said Chesapeake & Delaware Canal Co., being its pro rata share of dividends declared by said Chesapeake & Delaware Canal Co., and also the interest due and owing to the United States of America on said sums of money.

Sum of money due said United States, being its share of dividend declared June 30, 1873, $21,937.50.

Interest on said sum of $21,937.50 from and after June 30, 1873.

Sum of money due said United States, being its share of dividend declared June 30, 1875, $14,625.

Interest on said sum of $14,625 from and after June 30, 1875.

Sum of money due said United States, being its share of dividend declared June 30, 1876, $14,625.

Interest on said sum of $14,625 from and after June 30, 1876.

It amounts possibly to $52,000 now.

Mr. SAULSBURY. I think $54,000.

Mr. KENYON. The amount due the United States. To that suit I observe, as a matter of passing interest, that the canal company pled the statute of limitations. The Government demurred. I remember that its demurrer was sustained on the theory that statutes of limitation do not run against the Government. I should like to ask the Senator if the canal company is still contesting this suit.

Mr. SAULSBURY. I can say to the Senator that I have been in communication with the district attorney in Wilmington regarding this very matter, and also I have seen the counsel for the canal company in order to obtain what information I could. I tried to exhaust all sources of information in getting the facts about this enterprise. That suit, I understand, is still pending and is likely to be tried at any time. The difference practically, as I understand it, between the Government and the defendant is regarding the interest. The Government claims interest on those overdue dividends which would bring the sum up to something like $150,000. The strong contention was made in regard to that. I do not know how the canal company would pay the $150,000 even if there should be a judgment against it. It might result in a receivership and a sale.

Mr. KENYON. Would it be the Senator's idea that in some provision for taking over this canal this indebtedness of the canal company to the Government ought to be deducted?

Mr. SAULSBURY. That was my original suggestion; but upon mature consideration I came to the conclusion that if the Government should condemn the property and works of this canal the condemnation money, whatever it might be, would be paid into the treasury of the canal company, and that suit would take care of itself. I know of no way by which in condemnation proceedings you could give consideration to the question of the claim of the Government against the owner of the property condemned.

Mr. KENYON. Of course I have great respect for the Senator's judgment on that question as a lawyer, but it does seem to me, if we are going to do anything in relation to the matter, we ought to make some provision to guard the right of the Government.

Mr. SAULSBURY. In a matter of purchase by contract that could be done, of course, but——

Mr. KENYON. I do not at this time see how it could be taken care of.

Mr. SAULSBURY. I fail to see how it could. In the case of a contract, I presume, backed by the Secretary of War, it could be taken care of.

Mr. KENYON. It would seem to me that the canal company in its dealings with the Government——

Mr. SIMMONS. Mr. President——

Mr. KENYON. In just a moment—out of which this case arises, was not candid or was not fair in pleading the statute of limitations against the Government where there was no statute of the Government limiting the time in which the recovery should be sought. I yield to the Senator from North Carolina.

Mr. SIMMONS. I desire to ask the Senator from Delaware a question, as he seems to be thoroughly familiar with the facts in this case, in view of his recent valuable information. I understood the Senator to say in an earlier stage of his remarks that the commerce upon this canal at the present time was between 900,000 and 1,000,000 tons.

Mr. SAULSBURY. The Senator is quite correct in that statement.

Mr. SIMMONS. What is the present depth of that canal?

Mr. SAULSBURY. The present depth of the canal is nominally 10 feet, but my information is that a boat drawing more than 9 feet of water can not use the canal.

Mr. SIMMONS. So, on a 9-foot basis, with a heavy toll charge, there are now going through the canal about 900,000 or 1,000,000 tons. What effect does the Senator think the deepening of the canal to 12 feet and the making of it a free waterway would have upon the amount of commerce which would likely pass through it?

Mr. SAULSBURY. I think I can answer that question better by the figures which are given in a number of official reports made by various boards of the War Department reporting upon this particular project.

The gross earnings of the canal, as I recall it from memory, are between $180,000 and $190,000 a year. The operating expenses of the canal amount to about $65,000. The boards which have reported so fully on this matter from time to time have settled, apparently in a fashion which is conclusive, the amount which this canal will save, if properly deepened and operated, to the commerce of the country. They say the saving to the commerce of the country through the canal will be at least—I think I quote the amount almost exactly—one million four hundred and odd thousand dollars.

Mr. SIMMONS. A year?

Mr. SAULSBURY. A year. In other words, the saving to the commerce will be one million four hundred and odd thousand dollars a year as that sum bears to the proportion, say, of $180,000 to $190,000.

Mr. BURTON. What are the tolls upon the canal?

Mr. SAULSBURY. I am speaking only from recollection, but I think I can approximately answer by saying that the rate is about 21 cents a ton.

Mr. BURTON. What is the tonnage which goes through there?

Mr. SAULSBURY. Somewhere between 900,000 and 1,000,000 tons.

Mr. BURTON. Suppose it is 1,000,000 tons. There is $210,000. Does it not appear that it is absolutely wild to say that the acquisition of a canal by the Government would save one million four hundred and odd thousand dollars in the face of such figures as those?

I am very familiar with the computations that are made so inaccurately by booster clubs and those who come here advocating improvements, but it does seem to me the idea that we would save $1,400,000 in such a case as that comes very near to the limit.

Mr. SAULSBURY. It seems to me the Senator from Ohio does not use the same reasoning faculties which he usually possesses. He seems to be possessed with the idea that nothing is worth while to separate regarding some of these projects. I did not know that he was particularly opposed to this, but he seems to be.

I can see a very good reason, and if the Senator would consider the reports made on this canal he would find there a good reason. This canal is so shallow, the locks are so small, the time consumed so great in going through the canal in comparison with what it would be with a sea-level canal, with only one lock and at one level, that you can not profitably carry the freight in larger sized boats, but you have to transship in many cases.

If this canal can be properly used by seagoing barges capable of going to sea, it saves 184 miles between Baltimore and New York, for example. There used to be when this canal was well operated quite a large commerce between New York and Baltimore, and particularly was that so before the railroads got hold of the canal from the upper waters of the Delaware and New York Bay and practically closed it out most of the year.

Mr. KENYON. This canal is in a rather dilapidated condition, is it not?

Mr. SAULSBURY. The testimony regarding that is very conflicting. The canal company try to show that it is in a very good condition. The users of the canal say it is in a dilapidated condition.

Mr. KENYON. Is the canal company anxious to dispose of the canal?

Mr. SAULSBURY. They have never shown any anxiety in that. They have not been willing to even give to me a figure. I have for years, acting in an absolutely impartial way, tried to obtain a figure from them.

Mr. KENYON. I do not know very much as to this canal project, and have not been able to make up my mind fully. I do not think it ought to be considered now, but we ought to have some more information. Is it the proposition to have an open canal, a free canal, any more than the Panama Canal?

Mr. SAULSBURY. I can say to the Senator I think if the Government would furnish the money to the owners of this canal and a reasonable percentage to deepen and improve the canal it would be a very great public benefit.

Mr. KENYON. And let them charge tolls?

Mr. SAULSBURY. Yes; in order to pay the interest on the money loaned.

Mr. KENYON. And that would be no advantage, the Senator thinks, to the consumers in any way? It would simply benefit the coastwise traffic? That is the identical question we had up in the Panama Canal tolls case, outside of the military question.

Mr. SAULSBURY. My impression is that anything which hastens the delivery of freight, which improves the transportation facilities for freight, is bound to benefit the consumer ultimately; and certainly if we find that the consumer is being unjustly dealt with by transportation companies, we can provide as to the rates that may be charged, because all the traffic going through the canal is practically interstate trade.

Mr. KENYON. I think the Senator voted as I did on the Panama Canal tolls bill. I voted on the theory that granting the freedom of that canal to the coastwise trade was nothing more nor less than a subsidy. I can not see the difference. Now, we give a subsidy to these boats if we buy this canal and make it free. Of course, the military situation the Senator presents is a very strong argument, but outside of that there is no advantage, unless it is going to be a regulator of railroad rates.

Mr. SAULSBURY. Just at this point let me call the Senator's attention as to how it does regulate railroad rates, even in the present poor capacity. You can load freight at Philadelphia on a regular line of steamers which goes through this canal every day from 5 o'clock in the afternoon and deliver it in Baltimore at 7 o'clock the next morning.

Mr. KENYON. Are these boats owned by the railroads?

Mr. SAULSBURY. These boats are not.

Mr. KENYON. The Senator offered a suggestion a little while ago as to some portion of the canal or bay line boats being controlled by the railroads.

Mr. SAULSBURY. No; the Senator is probably recalling some talk I had with him regarding the railroad-owned boats on Chesapeake Bay. None of those boats go through this canal. It is very fortunate, I may say to the Senator, that this canal company was never given by the States which incorporated it the right to transport freight itself. That has saved it from railroad ownership and has maintained it as a going concern to this time from 1829. This company can only charge tolls upon tonnage passing through the canal and can not itself own boats for transporting freight. In my judgment, and in the judgment of several witnesses we called before the committee when we were making this investigation, that has saved this canal from railroad ownership and enabled it still, in a small way, to furnish competition in freight between those two great cities—Philadelphia and Baltimore.

Mr. KENYON. I am glad to know that this canal has not been taken over by the railroads. The report of the Agnus Commission, which, of course, I take it, was what the Senator from Delaware thinks eventually should be brought about, is that the cost of a 25-foot channel, which seems to be necessary, would be $20,621,323.70. So in fact we are embarking upon this enterprise—it is an enterprise—that will cost the Government before it is completed $20,000,000.

Mr. SAULSBURY. Will the Senator permit me to interrupt him and call his attention to other reports of engineers made subsequently to that report?

Mr. KENYON. Yes.

Mr. SAULSBURY. I have here a volume which is probably 3 inches thick, containing all the reports of the various boards of engineers made from time to time on this canal. I had them brought together in this volume for my own convenience in connection with this matter.

Mr. KENYON. Are they Government reports or State reports?

Mr. SAULSBURY. These are all Government reports. The last estimate was approved by the Chief of Engineers, United States Army, in 1913, made July 22, 1912, by the Board of Engineers on Rivers and Harbors. The report then was made that this 25-foot channel at tidewater with a width of 125 feet would cost $12,424,500 and not $20,000,000.

Mr. KENYON. For a 25-foot channel?

Mr. SAULSBURY. For a depth of 25 feet and 125 feet width.

I will say to the Senator if he will refer to the RECORD of May 8 he will probably find brought together, certainly as well as I am able to do it, the data regarding the reports made at various times on this canal. I have not included them all; I have included the important ones, and I shall be glad to furnish the Senator with this volume which I hold in my hand and to which I have just referred. It will give him, I think, all the official information on the subject.

Mr. KENYON. Has the Senator Report No. 2725 of the Fifty-eighth Congress?

Mr. SAULSBURY. I undoubtedly have.

Mr. KENYON. I think he will find in that report that——

Mr. SAULSBURY. May I ask the Senator the name of the report? Is that the Agnus report?

Mr. KENYON. No; the report I refer to is previous to the Agnus report. The Agnus report is in the following language:

> The commerce of the Delaware & Chesapeake, registered and otherwise, has been estimated all the way from 50,000,000 to 90,000,000 tons annually. This is much larger than the tonnage of the entire annual foreign commerce of the United States. The Isthmian Canal Commission estimated that the Panama Canal, now to be built at a cost approximating $200,000,000, would have carried a tonnage in 1899 of but 4,574,852 tons.

The estimate of $12,000,000 the Senator speaks of is not, I hope, in the same proportion of error as the estimate here of the Panama Canal. It is an error of only a couple of hundred millions. We are starting on a project which will involve the Government in $20,000,000. Now, it may be all right and it may not be. The point I am making is simply this: I do not believe we have the information here to intelligently pass upon this matter. The Senator from Delaware has, of course, and if he could secure an audience of Senators and explain this matter, and if Senators would stay here and listen, it might be that he could convince us that this is a worthy project.

Mr. SIMMONS. Mr. President——

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

Mr. KENYON. I do.

Mr. SIMMONS. I wish to inquire whether the project the Senator is now referring to has been reported favorably by the engineers or whether they have simply made an estimate of what the 25-foot depth would cost?

Mr. KENYON. The Senator had better ask the Senator from Delaware. He knows much more about it.

Mr. SIMMONS. I will ask the Senator from Delaware the question. I understand that the engineers have made a report and that that report contemplates a canal of 12-foot depth. That is the only estimate that the engineers have made up to this time?

Mr. SAULSBURY. The Senator from North Carolina is quite correct. The only recommendation the engineers have made up to this time is for a 12-foot depth in this canal, and they have recommended that further public works be held to await the finished result and the certainty as to the value of that canal with a 12-foot depth.

Mr. SIMMONS. I will ask the Senator—I have not read the report, and I am asking the question for information—if it is or is not a fact that in the speculations that were made with reference to a 25-foot depth for the canal the engineers did not have in view the ultimate use of this canal for military purposes, and if the suggestion for a 25-foot depth, as a mere suggestion, was not based upon the idea that at some time it might become necessary to deepen the canal to that extent for the purpose of accommodating the military needs of the Government?

Mr. SAULSBURY. That was one of the great objects aimed at. This recommendation was made as long ago as 1812, or just subsequent to the War of 1812, for that purpose, because at that time they could not get troops down to Washington to protect the Capitol Building.

Now, I desire to say just one word more in reference to the point the Senator suggested about the additional cost. The soil of that whole peninsula below the Christiania River is alluvial. There is no question of unknown rock work; there is no question of very expensive or unusually expensive excavations. I want to say to the Senator that the Government in one portion of the peninsula is now getting sand and dirt removed of the same character that they will have here to remove for 8 cents a cubic yard, where it was estimated that it would cost 16 cents. In other words, the cost of the removal of the dirt in the digging of the canal in another portion of the State is just half that which it was expected to be when the

work was started. Of course, I know nothing of the engineering features of this work more than is contained in the reports.

Mr. KENYON. I think, Mr. President, I will place in the RECORD for future reference just an observation or two about this matter in an attempt to condense it, at least for my own use. If I make any erroneous statements, I should be very thankful to the Senator to correct them.

Mr. CLAPP. Mr. President——

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

Mr. KENYON. I do.

Mr. CLAPP. I desire to make a request. Some time before it occurred to me that there would be any difficulty in maintaining a quorum in the Senate, I made an engagement for this afternoon, and I should like to be excused from attendance this afternoon.

Mr. KENYON. Will the Senator state the nature of his engagement?

The PRESIDING OFFICER. The Senator from Minnesota asks to be excused from attendance in the Senate this afternoon. If there be no objection, leave will be granted. The Chair hears no objection.

Mr. KENYON. I should like to inquire how long the Senator from Minnesota will be away?

Mr. CLAPP. Inasmuch as the request has been granted, I question, perhaps, the relevancy of the inquiry. I will say, however, I expect to be away this afternoon to deliver a brief address at the dedication of an arch that has been erected to the memory of Abraham Lincoln by one of the schools of this city.

Mr. KENYON. I enter no objection at all to the request.

With reference to the Chesapeake & Delaware Canal, which is a slight digression from the argument I was pursuing, the bill as passed by the House carried $1,300,000; the Senate committee raised that sum to $2,250,000; the committee report shows the amount of bonds to be $2,602,950 and the stock outstanding as $1,885,625. Of this, the United States owns 14,625 shares and the State of Maryland owns 1,625 shares. I do not feel entirely certain of this statement, but I make it as I understand it, that the States of Pennsylvania, Maryland, and Delaware invested $175,000 in this enterprise, and that was considered by some a donation, but really was a purchase of stock. Those stocks are worthless.

A number of commissions, as has been suggested by the Senator from Delaware [Mr. SAULSBURY], have at various times investigated this project. The Casey Commission was organized under the authority of the river and harbor act of 1894. That was a board of which the late Gen. Casey was chairman, and it was to consider not only the route which would give the greatest facility to commerce, but which would be best adapted to national defense. The report of the Casey Commission was submitted to Congress on December 11, 1894. In that report was quoted fully the testimony of Capt. Turtle, with which I suppose the Senator from Delaware is familiar——

Mr. SAULSBURY. I have the report.

Mr. KENYON. Including the findings with relation to what was termed bottomless quicksand. After that nothing was done in the matter for about 10 years.

Along in 1904 the project received some consideration from the boards of trade of Wilmington and of other cities that might be favorably affected. Meetings were held in various places by the citizens who desired the acquisition of this canal by the Government. Different conditions and organizations have been helping in the work. That resulted, in 1906, in the appointment of what is known as the Agnus Commission, to which I have referred and from whose report I have read.

I have been led to believe in my study of this canal—and I would not be presumptuous enough to say that I understood anything like so much about it as do the committee or does the distinguished Senator from Delaware—but my mind has reached the conclusion that this was a defunct institution, a canal out of repair, upon which the Government must spend large sums of money, and that there had been a persistent attempt to unload it on the Government. Capt. Turtle's conclusions in his report were that "there were unmistakable proofs of a very great and extensive reservoir of supply of quicksand which was of unknown depth."

Capt. Turtle in 1882 and Col. Flagerty in 1907 state that there existed a deposit of quicksand nearly 2 miles in length and to which no bottom had been found. That was controverted.

Mr. SAULSBURY. May I interject just there, if the Senator please?

Mr. KENYON. I yield.

Mr. SAULSBURY. I think that it was entirely disproved that there was any serious trouble to be expected from any quicksands there, because, as one of the engineers, as I now remember it, explained, any sliding of dirt there was due to insufficient drainage from the upper level of this canal which would disappear when you established a tidewater canal. That is my recollection.

Mr. KENYON. Has it been demonstrated to the Senator's satisfaction that, notwithstanding the quicksand, it would be possible to dig a 25-foot channel?

Mr. SAULSBURY. The Senator from Iowa is asking me some engineering questions. I have no doubt in these days of engineering, and in view of feats such as we have witnessed at Panama and elsewhere in the world, that anything is possible, provided you spend money enough for it. I know that country as well as I know the land between here and Chevy Chase, and my own belief is that it is just as possible to dig a canal through that section of the country—and that it would be much less expensive to do so—as it would be to dig a ditch from here to Chevy Chase.

Mr. KENYON. I think it has been conceded by engineers now that to have constructed the Panama Canal at sea level would have been practically impossible.

Perhaps that is stating it too strongly; but anyone who has seen that great work, and especially the Culebra Cut, must realize that to have gone 85 feet deeper at that point would have been practically an impossibility. The fact that we have reports as to this canal that quicksand exists, showing the difficulty and almost impossibility of going any deeper in that canal, is simply cited by me as an argument that we ought to know more about it before we commit ourselves to it.

Mr. BURTON. What did the Senator from Delaware say about digging a canal from here to Chevy Chase?

Mr. SAULSBURY. I said that it was just as possible, in my judgment, to complete the Delaware & Chesapeake Canal as it would be to dig a ditch from here to Chevy Chase.

Mr. KENYON. A sea-level canal to Chevy Chase?

Mr. SAULSBURY. I said "a ditch."

Mr. BORAH. Mr. President——

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

Mr. KENYON. I do.

Mr. BORAH. I want to ask the Senator whose report it was from which he quoted with reference to the quicksand?

Mr. KENYON. I am quoting from what is known as the Agnus Commission report. That commission was appointed by Congress, and a report was made to the Secretary of War in 1907.

Mr. BORAH. What engineer made the report as to quicksand?

Mr. KENYON. Capt. Thomas Turtle.

Mr. BORAH. And he says there are two miles and a half of quicksand?

Mr. KENYON. That quotation was from this report, and I will read a further portion of it:

NOTE.—As stated in a following paragraph of the report, from borings made in 1882 and 1906, the commission has been led to fear the existence of treacherous material for an approximate distance of 7,000 feet along the route of the Chesapeake & Delaware Canal which will require special and costly treatment, by revetment or otherwise, to insure stable conditions. The commission has not sufficient data on which to base a proper design, nor has it the time to secure such data. However, in a comparison of routes a sum of money must be estimated to cover this feature, and $500,000 has been inserted in the above estimate for that purpose.

* * * * * * *

In its investigations by means of borings the commission has confirmed the very unfavorable conditions noted by Capt. Thomas Turtle, Corps of Engineers, United States Army, in his report of March 1, 1883, to Lieut. Col. William P. Craighill, Corps of Engineers, United States Army. (See Appendix G.)

I think right here I will put in this:

Although Capt. Turtle seems to have recognized the serious bearing of this condition upon the fate of the route for a ship canal, there is no mention of it in either of the final reports made since Capt. Turtle's. There is every indication of a large reservoir of supply of very fine sand which is water bearing and flows with water. In the opinion of the commission—

That is, the Agnus Commission—

the sand might require at intervals extensive works on both sides of the canal over an approximate length of 7,000 feet to confine it. On account of the great depth of the sand stratum the works would be very expensive. Additional investigations of greater magnitude than heretofore attempted are required before a detailed design is made. The commission with data available can not make even a probable estimate as to the cost of such works, but feels that a certain sum should be quoted therefor, and has stated this estimate above as $500,000.

I will say to the Senator—he was not here at the time this matter was previously discussed—that this commission estimated the cost of a 25-foot channel, which is probably the minimum depth the channel must have if it is to serve the military purposes which the Senator from Delaware suggests,

at $20,000,000; but, as the Senator from Ohio suggests, even a 25-foot channel would not be sufficient to enable battleships to pass through. So, we are starting on this uncertain proposition of buying what is now apparently a broken-down canal that is going to involve millions upon millions of dollars of expense. It may be a good thing; I do not know. I doubt it very much.

Mr. SAULSBURY. Mr. President, may I interrupt the Senator to ask whether that Agnus Commission and other subsequent river and harbor boards and boards to which the reports were referred and the Chief of Engineers of the Army, in charge of this work, have not recommended the purchase of this canal?

Mr. KENYON. Yes; I understand they have.

Mr. SAULSBURY. Then, we certainly have the best technical opinion regarding this canal that we can have, and they are all favorable, as I understand.

I want to call the Senator's attention to the fact that the project which is now suggested is only a commercial canal, a 12-foot waterway, which will be used as a test of its value, and may thereafter be deepened for the military purposes of the Government or for larger vessels, if they should desire to use it.

Mr. KENYON. That is true; but, of course, the Senator has made a very powerful argument on the military necessities of this canal.

Mr. SAULSBURY. I think that is a powerful argument.

Mr. KENYON. I know the Senator thinks so, and it is a powerful argument. Of course, the conditions which are now prevailing abroad, and which we hope may never come to this country, add emphasis to that argument. The Senator will, I think, concede, however, as he is frank about everything, that for military purposes a channel will be required of 25 feet or even more.

Mr. SAULSBURY. I think so, of course.

Mr. KENYON. Is the Senator prepared to say that the Army engineers who have investigated the proposition agree that a 25-foot channel or a channel of greater depth can be secured there in view of the quicksand?

Mr. SAULSBURY. I will say to the Senator, in reply to the question, that I have in my hand the numerous reports, covering possibly eight hundred to a thousand pages, which I have brought together. Of course, one can not say from memory what they contain, but the impression made upon my mind by reading all the material parts of these reports is that the Army engineers have no doubt of the entire feasibility of the construction and of the reasonable economy of the construction of that canal.

Mr. KENYON. Mr. President, I desire to add one thing more. There was a printed document filed before the house of delegates of the General Assembly of Maryland in 1906—I have not been able to secure the document, but I have seen extracts from it—by William T. Maulsby, of Frederick County, Md., in which it was stated:

> The canal company is insolvent, hopelessly and without remedy insolvent, taking a mortgage far beyond its capacity to earn and pay interest on its debts. It must be reorganized or it must fall into the hands of the Government of the United States.

The point I am trying to make is this: If we are going to take over this canal—and I am not prepared to say that we should not do so—let us get the information and then go ahead and acquire it.

The provision in this bill, as the Senator from Ohio suggests, commits us to take that canal; I do not see how there can be any other construction of it.

Mr. SAULSBURY. Will the Senator allow me to interrupt him?

Mr. KENYON. I yield.

Mr. SAULSBURY. Of course the Senator knows that I hold no brief for the owners of this canal.

Mr. KENYON. I know that; I know the Senator's interest is only that of the public.

Mr. SAULSBURY. I want to get this canal at just as cheap a price as possible, but I do want the Government to take this canal, because I think it would be a great public work. There have been all kinds of statements made about the financial condition of the company owning the canal, and I think that is bad enough; there have been all kinds of statements made regarding the physical condition of the canal, and I think that is bad enough and ought to be better; but I want to say to the Senator that, in a large measure, these statements have originated with and been caused by the promoters of some old routes for canals across the lower peninsula which in no wise compare in desirability with this canal.

Mr. KENYON. I think there is much truth in that.

Mr. SAULSBURY. Since this matter has been under discussion in the Senate I have received statements and letters and what not from people who are interested in an old projected canal from which, so far as I know, not a spadeful of dirt has been taken anywhere, and who are trying to sell that project to the Government for a million dollars, and blackening as far as possible all the prospects of this canal. I simply pay no attention to those things, because I do not think they are worthy of attention. I go by the reports of the engineers in forming the conclusion which I have tried to express.

Mr. KENYON. There has been considerable rivalry between canal projects there as to which should turn a canal over to the Government.

Mr. BURTON. Mr. President, will the Senator from Iowa yield to me?

Mr. KENYON. I will.

Mr. BURTON. I should like to ask the Senator from Delaware a question. He has stated that there are different opinions as to the condition in which this canal now is. Does he think there is any official report which states clearly and accurately its present condition?

Mr. SAULSBURY. Mr. President, there has been no official report that I can now recall made on this canal for a number of years. The conditions of dilapidation which are referred to, as I recall, in the testimony taken by the Committee on Coast and Insular Survey referred very largely to the planking on the sides of the canal and such conditions as that, which would naturally change very greatly in the course of two or three years.

Mr. BURTON. There is one set of statements before Congress to the effect that this canal is in a run-down, dilapidated condition. That is true, is it not?

Mr. SAULSBURY. I know of no such statements, except of individual witnesses here and there.

Mr. BURTON. Well, those statements are before Congress, nevertheless?

Mr. SAULSBURY. They are included in this report; yes.

Mr. BURTON. Then there are other statements to the effect that, if not in first-class condition, it is in good, workable condition.

Mr. SAULSBURY. I do not think it is in the best condition.

Mr. BURTON. Ought we not, before we do anything about so important a project as this—one of which the ultimate expense will certainly run into the tens of millions—to know by thoroughly accurate information just what it is that we are proposing to buy?

Mr. SAULSBURY. I may say, in reply to that question, not necessarily, and for a very good reason.

Mr. BURTON. Well——

Mr. SAULSBURY. If the Senator will permit me, I will try to state my reason for that, because it seems like a peculiar statement to make.

This project is for a sea-level canal—a tide-level canal. This is not in the condition of some of the streams that the Senator so eloquently described, where water has to be pumped in. This is a going canal; and nearly a million tons of freight go through it every year. There is one higher level on the canal—I think it is either 10 feet or 16 feet, but I do not recall just at this moment—and the planking on the sides of that 10 or 16 foot level will be absolutely worthless, anyway. What will it amount to? If the Government acquires this canal and makes it a tide-level canal, what difference does it make to the Government whether the planking on the sides of the upper level of the canal is in good condition or not? It would be better that it should be in bad condition, because in such case it can be removed by mud machines. If it is in first-class condition, it probably would have to be torn up. So the planking could be taken out by a dredge in one case, if in bad condition, and in the other case it would require a certain amount of labor and work to remove the planking before the work could be begun.

Mr. BURTON. Is any such expensive reconstruction as that contemplated, or is it intended that this canal shall be used in practically its present form?

Mr. SAULSBURY. The report of every Board of Engineers in favor of the acquisition of the canal—and every one has reported in favor of its acquisition—has included in it a recommendation that this canal shall be made a tide-level canal, and the upper level of 10 or 16 feet above tide level abandoned.

Mr. BURTON. Then, in other words, we would be practically paying merely for the franchise and right of way of the canal?

Mr. SAULSBURY. The Senator again is mistaken, because the boards which have investigated the cost of this canal say that the cost of duplicating this canal and its works would be nearly $4,000,000—between $3,700,000 and $3,900,000, I do not remember which—but the Senator will probably remember that this canal was originally built by ordinary shovels and by

ordinary carts. The Senator will find those tables going through all the reports made by the official boards in regard to this canal.

Mr. KENYON. Mr. President, I desire to put in the RECORD just one or two matters from the hearings on this subject, and I believe I shall not return to this canal later in my argument, as we have discussed it so much now.

In the testimony of Mr. James J. McNally, which is to be found on page 41 of the House hearings, he says:

I am a barge owner, owning nine barges operating on this canal. From 1908 up to 1913, inclusive, I have paid $50,468.53 to the Chesapeake & Delaware Canal, and to the Lake Drummond Canal, which divides into Virginia and North Carolina, $12,010.27.

He was before the committee urging that the canal be taken over by the Government, and quite naturally, so he would escape tolls.

Mr. Groves, manager of the Philadelphia Steamship Co., says:

Mr. GROVES. The stock of the Chesapeake & Delaware Canal, as far as my experience goes, is owned largely by the estates of the original owners. I do not think very much of it has changed hands. It is the same with the bonds. The stock of the canal is practically worth nothing. There is a bond issue of about $2,600,000, which pays 4 per cent. The real value of that canal is problematical. I do not think it is a very easy thing to calculate. It seems to me the way to get the value of that canal would be to capitalize it on its net earning capacity at 6 per cent.

The CHAIRMAN. That would hardly be a safe way to value it.

Mr. GROVES. You understand the canal is in a very bad condition.

There is reference then to ships farther down:

Mr. GROVES. Well, there is competition with what they call the tramp lines.

Mr. HUMPHREY. I mean regular steamship lines.

Mr. GROVES. No; they are practically all controlled by the railroads. There is no inducement for capital to-day in coastwise American ships. They have not any protection whatever. The railroads practically own the steamship lines through their sources of capital, and they can eliminate most any steamboat line that you start.

Then he goes on to discuss the 12-foot canal and the 25-foot canal.

Before the committee of the Senate a number of witnesses testified, some of them as to the physical condition of the canal. Mr. Eugene W. Fry, treasurer of the Southern Transportation Co., testified as follows:

The CHAIRMAN. How much tonnage passes through the canal in connection with the interests with which you are associated?

Mr. FRY. I do not know how much tonnage we carry through in connection with our interests, as a great deal of it is carried by the thousand feet or the cord of wood—some of it as tonnage and some is carried otherwise.

The CHAIRMAN. Yes.

Mr. FRY. But our canal tolls—that is, the canal tolls that our transportation company has paid during the last year—are between $50,000 and $60,000.

The CHAIRMAN. Are you familiar with the physical condition of the canal?

Mr. FRY. To some extent.

The CHAIRMAN. Well, what is the physical condition of the canal as it now exists?

Mr. FRY. I do not think the canal is in as good condition as it was a few years ago. We started in the transportation business about 10 years ago, and we could carry larger cargoes through the canal then than we can at the present time.

The CHAIRMAN. Explain that, will you?

Mr. FRY. That is brought about, no doubt, by reason of the canal not receiving proper dredging and proper maintenance. I have always understood that the canal company has not had sufficient revenue to give the proper attention to maintenance. At any rate, the canal seems to be gradually filling up.

The CHAIRMAN. There was some statement made by the previous witness that they had recently been making great improvements to the canal; as I recall it, very extensive improvements; almost betterments. What do you know about that?

Mr. FRY. I do not know of any extensive improvements, other than the ordinary repairs or maintenance. They have been renewing some lock gates which had worn out. They do that almost every season.

I want to put in a part of Mr. Groves's testimony before this committee:

The CHAIRMAN. I do not know that you answered as to the present condition of the canal, Mr. Groves.

Mr. GROVES. I am very glad you asked me that. That is the very important proposition of the whole thing. That canal is in a bad condition, a very bad condition. These locks are in bad shape, and they have always been kept in bad shape. They never do anything but what they have to. We had an experience there one season, which has been about five years ago. About five years ago we had an experience at the St. Georges Lock. We came through there on the 4th day of July, on one of our day boats, an excursion boat. We had five or six hundred people on, and as we entered the lock and they went to close it the gate fell out. They could not work it. There we were stuck. We got in there, and there we were in the canal with all those people on. When we came to investigate the matter we found out that that gate had been condemned some 25 years ago by a former superintendent, and they had built a new gate, and this new gate had laid up there on the bank up to that time and they did not want to go to the expense of putting it in. And when this gate fell out, when they went to get this new gate, it was just as rotten as the gate that fell out; and so the whole business was detained for 10 days until they built a new gate and put in that lock; and we transferred our people and freight from one lock to another, the boats coming up on each side during all the time they were repairing it.

That is one instance of it. Then he goes ahead to describe other instances, showing that this canal, if this testimony is correct, is in a very dilapidated condition. He testifies:

On the sides of the canal the piling is worn out. It has been covered with oak sheet piling, and it rots out, and it is in a fearful condition.

The CHAIRMAN. Take the matter of replacing with oak sheet piling and stones, is that work sufficiently kept up?

Mr. GROVES. No; it is not.

I think that possibly will be enough of the quotations, except that on page 138 of the report he says:

They do not keep it up. That canal really has been an obstruction there to commerce, absolutely an obstruction; it always has been. They drive trade away from it. They drove all of our boats, except the Ericsson Line boats, away, and they drove most of them away except the passenger boats.

Mr. SAULSBURY. Mr. President——

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

Mr. KENYON. I am very glad to yield.

Mr. SAULSBURY. I only desire to ask the Senator from Iowa if he would permit me here to inject four lines of my remarks on the results of that testimony?

Mr. KENYON. I shall be very glad to have the Senator do so.

Mr. SAULSBURY. Because it shows that I was endeavoring, as chairman of that committee, to obtain the actual conditions on that canal, and to state to the Senate my conclusions regarding them, which do not differ very much from those of the Senator.

I said, in commenting on that testimony on May 8 last, in speaking of this canal:

Existing as it now does, it may be said to be almost an obstruction to commerce rather than a benefit, for if it did not exist at all the short barrier to the interchange of the great commerce of the two bays and their tributaries would not be allowed long to exist.

Mr. KENYON. I wish to add to this a short statement from the report of the Senate Committee on Coast and Insular Survey:

So far as said committee can ascertain, the stock of said canal company has no present value. The bonds and obligations of said canal company, however, have a value which may be variously estimated at from 4½ to 80 per cent of their par value. Sales of the company's obligations are so infrequent in the open market and only in such small amounts that no real market value can be fairly stated.

Mr. SIMMONS. Mr. President——

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

Mr. KENYON. I do.

Mr. SIMMONS. I wish to ask the Senator if he does not think, if the canal is in the bad condition that these witnesses describe, and notwithstanding that bad condition a million tons of freight continue to go through the canal, that situation presents a very persuasive argument in favor of the proposition that if that canal were put in good condition it would be used as a means of accommodating a very great commerce?

Mr. KENYON. It certainly presents a very persuasive argument for a full investigation of the merits of the plan. I agree with the Senator as to that.

Mr. SIMMONS. I do not understand this testimony about the condition of the canal, in view of the fact that it is so extensively used even now, when it has a very inadequate depth, and when it is very narrow. It would seem to me that the fact that it is used under these circumstances shows the value of that as a route of commerce. It shows its possibilities if it is properly improved.

Then I do not understand it in view of some information that has come to my ears. I have been informed that there is a regular line of passenger and freight steamers running boats in each direction during the whole year, and during certain seasons of the year running a larger number of boats in both directions. I understand, also, that this one line pays an annual toll charge of $60,000 a year. I understand that there is another regularly established line of freight vessels that runs all during the year, and that this line pays an annual charge of something like $50,000.

Mr. KENYON. Would not the Senator favor their paying that toll if the Government acquired the canal?

Mr. SIMMONS. No; I have not favored the payment of toll upon any of the inland waterways of the United States.

Mr. KENYON. I know the Senator favored it as to the Panama Canal, and I do not see the difference myself.

Mr. SIMMONS. Oh, I differentiated that to my satisfaction. Now, this canal, even in its present condition—its dilapidated condition, the Senator says—a shallow canal, a narrow canal, not sufficiently deep nor sufficiently wide to accommodate the commerce that would probably under different conditions pass

through it, seems to be earning 6 per cent upon about $1,800,000.

Mr. KENYON. Why does the Senator think they are desirous of disposing of the canal, then? If it is a good property, why not keep it?

Mr. SIMMONS. I have no evidence that they are desirous of disposing of the canal. I do not know how that may be. The proposition here is simply to permit the Government to make an investigation to see, first, at what figure this canal can be secured by private contract; and if it can not be secured through negotiation with the owners at what is regarded by the Secretary of War as a reasonable price, a fair price, then he shall resort to condemnation proceedings for the purpose of ascertaining at what price it can be secured.

The Senator said a little while ago if we have made up our minds that this is a good project, we might go ahead with it. In determining whether a project is a good project you always want to know what is going to be the cost of the project, and in this connection it is very important to find what is going to be the cost to the Government of acquiring this canal. Until we have ascertained what, either through the medium of private contract or by condemnation proceedings, the Government will have to pay for the present plant and property we are not in any proper condition to go ahead with it. One of the first things to be done is to ascertain for what amount we can get this canal.

Mr. KENYON. I would go that far with the Senator, but we are going further.

Mr. SIMMONS. That is exactly what is proposed.

Mr. KENYON. No; I must differ with the Senator.

Mr. SIMMONS. It proposes, first, to see whether we can get it at a reasonable price by mutual agreement between the Government and the owner.

Mr. KENYON. Congress has nothing to say.

Mr. SIMMONS. But Congress has everything to say, because——

Mr. KENYON (reading)—

The Secretary of War is hereby authorized to enter into negotiations for the purchase of the existing Chesapeake & Delaware Canal, and all the property, rights of property, franchises, and appurtenances used or acquired for use in connection therewith or appertaining thereto, and he is further authorized—

Now, if it would stop there it would be better—

if in his judgment the price is reasonable and satisfactory, to make a contract—

That is what I am objecting to—

for the purchase of the same subject to future ratification and appropriation by the Congress.

Why will not the Senator simply go to the extent we will all agree to—making an investigation and making a report as to the property acquired?

Mr. SIMMONS. The Senator does not state the whole amendment. It means that the Secretary of War may go and get an option, and that is all it means. It says to him, "Go and get an option upon that property, and when you have got your condition contract, then you come back to Congress and Congress will say whether it will ratify that contract and appropriate for the payment of the money."

Mr. KENYON. Of course; but he makes the contract. He does not simply find out what he can buy it for and report to Congress. He comes here with a contract, and of course the Senator knows that that would be, in a way, binding on Congress.

Mr. SIMMONS. But does not the Senator in that statement overlook the fact that the owners of this canal will know when they enter into the contract with the Secretary of War that the Secretary of War has no power to make a binding contract, and that whatever contract they make with the Secretary will be subject to the future action of Congress?

Mr. KENYON. Then, if they want to do that and are as anxious to dispose of this property as it seems they are, all they have to do is to make no contract. Then we have authorized the Secretary of War to go ahead and condemn this property, have we not?

Mr. SIMMONS. Yes.

Mr. KENYON. His acceptance of the award to be subject to the future ratification and appropriation by Congress. So we have taken out of our hands the power to do another single thing.

Mr. SIMMONS. In other words, Congress says by the amendment, before we proceed upon this undertaking we want to ascertain for what amount this property can be purchased.

Mr. KENYON. Exactly.

Mr. SIMMONS. We therefore direct the Secretary of War to go and see if he can make a contract by mutual consent. If he can not do that in furtherance of the desire of the Government, he is to ascertain what it will have to pay. Before the Government acts it says if he can not make a mutual contract he shall proceed to condemn it, and whether you enter into a contract or whether you ascertain if the property can be secured by condemnation proceedings, then the Congress will determine, upon a consideration of the price by private contract or upon a consideration of the value fixed by the award, whether it desires to purchase the property at that price. If you take the whole amendment together, it is merely an effort on the part of the Government to ascertain in one way, and if you can not ascertain in that way to ascertain in another way at what they can buy this property preliminary to determining the question whether it will go on with the undertaking or not.

Mr. KENYON. It seems to me the flaw in the Senator's argument is perfectly apparent. It is true that under this provision the contract is subject to ratification by Congress, but in the event no contract is made and can not be made, then Congress has no information at all as to what this property can be secured for, and Congress goes ahead and authorizes the Secretary of War to condemn this property. There is no provision here that Congress need not take the property after it is condemned if it is not satisfied with the value that has been put on it; and, however much we may argue about this matter and draw technical distinctions, it does seem to me that any person looking at it with no bias must be satisfied that we are committing ourselves to the proposition of taking the canal, and we are merely postponing the day of payment.

Mr. NORRIS. Mr. President——

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

Mr. KENYON. I yield.

Mr. NORRIS. I wish to submit to the Senator from Iowa a legal proposition that I believe is involved in this amendment in regard to the condemnation part of it. If the Secretary under the provisions of the bill should undertake to condemn this property he would have to go into court, I take it, to do so.

Mr. KENYON. Certainly.

Mr. NORRIS. In order to make a case even on paper would he not have to allege that the object of the condemnation was to take the property over by the Government?

Mr. KENYON. Of course.

Mr. NORRIS. And if the authorization did not go far enough to permit that, a demurrer to his petition would be made, as I take it.

Mr. KENYON. Certainly.

Mr. NORRIS. In other words, if he can go into court and make a case for condemnation proceedings we are bound to take it at the price of the condemnation.

Mr. KENYON. In other words, he has determined that it is a public necessity.

Mr. NORRIS. Exactly.

Mr. KENYON. And we are taking the private property for a public necessity.

Mr. NORRIS. He either states no case or he will be thrown out of court or we are bound to take the property at the price.

Mr. KENYON. In other words, he can not go into court and plead that he was merely engaged in a fishing expedition to find out what the property was worth.

Mr. NORRIS. Exactly. If he did that the petition would show on its face that it was not good.

Mr. THOMAS. Will the Senator from Iowa yield to me?

Mr. KENYON. I yield.

Mr. THOMAS. I think there is another legal complication in such a proceeding, and it has been suggested to my mind by the one which has just been mentioned by the Senator from Nebraska. Under nearly all the laws of the States condemnation must be preceded by negotiations for a physical transfer without the necessity of resorting to courts, and the absence of such a preliminary is fatal to the suit. I presume that by analogy the same principle would apply to a condemnation proceeding brought in the name of the National Government, although perhaps it has no statute on the subject. I believe that it is a common-law method of procedure.

Mr. BURTON. There is a statute which makes the proceeding conform to the proceeding in the State in which the condemnation is instituted. That is my recollection.

Mr. THOMAS. But this is a project in two States, is it not?

Mr. KENYON. Yes.

Mr. THOMAS. Then it would have to conform to the procedure in each State, I suppose, to the extent the property is there.

Mr. BURTON. Would it not conform to the procedure in the State in which the suit was instituted?

Mr. THOMAS. That may of itself prove to be a very formidable obstacle to procedure under this statute.

Mr. SAULSBURY. Mr. President——

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

Mr. KENYON. I do.

Mr. SAULSBURY. I only want to say that in the discussion we had a few minutes before the Senator had come into the Chamber and taken part in the argument I enlightened the Senate on the subject of this condemnation. Of course any lawyer may be wrong in an opinion, but I have had a great deal of experience in condemning property for various public purposes in Delaware. There is no obligation, as I stated in reply to the Senator from Iowa, on the person seeking condemnation of the property to take the property at a price which he is unable or unwilling to pay, unless there is a special provision in the act. In our State we specially require him to do so.

I wish to suggest to the Senator from Nebraska [Mr. NORRIS] that the only allegation which would be necessary in a petition for the condemnation of this canal would be that the Government desired to acquire the canal for public use and request the condemnation of that canal through the appropriate proceedings. That would be the only allegation of necessity. It would not be that the canal was necessary for a public use, but that the Government desired to acquire it for public use and condemnation proceedings were necessary. I think that would fill all the circumstances of the case.

Mr. BURTON. Will the Senator from Iowa yield to me?

Mr. KENYON. Certainly.

Mr. BURTON. The point the Senator from Nebraska makes opens up a field rather broader than that. Of course there is the regulation in probably every State that when condemnation proceedings have been instituted and a valuation fixed the condemner may abandon the claim for the property.

Mr. SAULSBURY. And his right of condemnation is exhausted by the exercise of it.

Mr. BURTON. It is as far as that property is concerned. Suppose a railway company were building a railroad and they endeavor to follow one route and after condemnation proceedings find it expensive, they can abandon that route and choose another.

Mr. SAULSBURY. But in my State they can not in some cases, because I have tried those cases.

Mr. BURTON. That is not the universal rule in States, either. But must not the condemner in his condemnation proceedings show two things—first, a committal to the enterprise, to the public work or use for a public purpose that is outlined; and, second, that he is unable to agree with the owner? If the Government by the action of Congress had definitely and fully committed itself to the construction of a canal between the Chesapeake and Delaware there would be a basis for condemnation, but under this provision it is all made conditional. As the Senator from Iowa states it, it is merely made a fishing expedition to find out what it is going to cost.

With an act of Congress of this nature could not the owner of the property come into court and say, "We decline to be subjected to the hardship of going through condemnation proceedings merely for the purpose of fixing a tentative valuation? When you have decided that you intend to build a canal, then the Government can call us into court and compel us to defend our rights in this litigation, but not until then."

Mr. SAULSBURY. With the consent of the Senator from Iowa, I may say that there are two answers to the suggestion of the Senator from Ohio. One is that if the owner could come into court and make a statement like that it would be practically a demurrer to the petition for condemnation. Then none of the horrors that the Senator from Ohio anticipates arising from this amendment to the bill would occur, because the Government would be out of court.

But I want to say to the Senator that I do not know of any absolute committal to any public enterprise. Within my personal experience, and I have had some experience in my State regarding these particular matters of condemnation, the committal to the enterprise is always based upon the financial ability of the enterprise to be carried through if a condemnation award was not to be made. That, I think, is practically a complete answer. If the financial ability of the projectors or promoters of the enterprise is not sufficient to pay the award, then they do not get the property. That is the universal custom under condemnation in our State.

I want to say one word further, because there are many objections which can be answered, and we are getting into such an intricate discussion regarding condemnation proceedings. I do not know that I can recall them all, but the suggestion was made that this proposition is in two States. This very amendment particularly confers jurisdiction upon the district court of the State in which the property chiefly exists, for the very purpose of avoiding that condition. If the Senators who are interested in that phase will read the amendment they will see that that is provided for.

Now, just one word more to the Senator from Iowa. He suggests that we should have further investigation. May I ask the Senator to explain what he means by further investigation? The report which he held in his hand and read from will show, and the testimony in the report of the committee will show, that every bondholder of this canal wants his 100 cents on the dollar for his bonds. I do not believe the Government need pay any such amount as that. It shows also that the stockholders want something for their interest in this property. I believe the stock of the company is absolutely worthless, and that they should not get a cent.

I think the suggestion that the value of this property was based on the earning capacity is about right, but I think probably 5 per cent is a fairer estimate than 6 per cent, because the earnings of the canal are increasing; that is, as far as the value is concerned. So far as the investigation of the public board constituted by the Government as to the advisability of it, here is a whole book full of it, brought together from 1872 to date, and at a much higher price than was proposed in the bill originally and a much higher price than I think it will be necessary to pay for it.

So far as investigating the conditions is concerned, the reports to which I have referred show, and reports of the committee have been made, and I think an examination will show, that they have been made just as fair and are just as clear as it is possible to be conceived, and showing that the effort was made to put the value of the canal down to the lowest possible figure.

Mr. KENYON. Was anything figured or considered at all for franchise value, good will?

Mr. SAULSBURY. The earning capacity will include the value of the franchise, because the franchise if it is not going to earn anything will not be worth anything. The physical valuation of the property was placed by the Agnus commission on this canal, as I have said, at something over three million seven hundred and odd thousand dollars, but that commission proposed to purchase the property at two and a half million dollars, I think, approximately. The amount carried for the acquisition of this canal in the first Senate committee amendment, which has now been changed for the present amendment, was $2,250,000, and I believe that the canal can be acquired for that sum. But this canal company will be fighting as hard as it can to get a hundred cents on the dollar for the bonds and something for the stock. There is no doubt about that.

Mr. KENYON. I wish to add just a couple of matters to this, and then we will leave it. In the Bulletin of the Atlantic Deep Waterways Association of May 9, 1914, there is an article on the Chesapeake & Delaware Canal valuation. I should like to have it inserted as a part of my remarks without reading it.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

CHESAPEAKE & DELAWARE CANAL VALUATION.

Valuation of this property may be approached from three standpoints—capitalization of its earnings; market valuation of its bonds, taking into account the proportion in which they are in default; and the amount required for reinvestment so as to afford individual bondholders the same amount of income after reinvestment which they now receive.

Capitalizing the present 4 per cent interest payments and assuming them to be average income, produces $2,083,600. It may be objected that actual income in recent years has been in excess of the 4 per cent interest payment; but, on the other hand, it is clearly shown that the property has not been maintained in the best going condition, and that a large expenditure will be necessary before many years elapse unless it is to be allowed to deteriorate very materially. Therefore accumulated excess above the 4 per cent interest payment should more wisely be carried into a betterment fund.

The outstanding bond issue totals $2,602,950. Issued in 1856 at 6 per cent, extended in 1886 at 5 per cent, they were scaled in 1893 to 4 per cent, and have been in default since that time. They come up for reissue in 1916, and there is no evidence to show that they can be extended at a higher rate than the present 4 per cent. Even assuming that the property has been maintained in good condition and that a betterment fund should not have been set aside, the bonds could not be valued under the circumstances higher than 80. The last sales reported were at 68, but all sales were for small amounts and can not be taken as absolutely determining the total valuation of the bonds. Increasing income in recent years justifies the upward tendency in these bonds, and it is fair to anticipate that they will rise to 80 or thereabouts, which seems, all things considered, reasonable, and at 80 the total issue would be worth $2,082,360.

On the basis of reinvestment, it is assumed that the bondholder would expect to receive an equal amount after reinvestment of the principal. An investment netting 4.8 per cent in order to yield the same total interest payment now made by the canal company would require a principal of $2,069,125; and this also appears to be a reasonable rate, especially when it is considered that of the present outstanding bonds of the canal company, amounting to $2,602,950, $609,200, or practically 23½ per cent of the entire issue, are absolutely fraudulent. While the courts held that the company was liable for these bonds and must assume their interest charges, the liability must be carried to some

capital investment, and there was nowhere to carry it except to the remainder of the bond issue; and having this in mind, the problem of conversion of their investment at the present time from a 5 per cent bond in default, scaled to 4 per cent, and carrying 23½ per cent of fraud, to a 4.8 per cent rate clean and clear does not seem to be an unfair requirement.

The Senate committee's valuation of $2,100,000 for the property, it will be noted, is in excess of the valuation arrived at by three different methods, and, furthermore, does not require the conversion of the company's contingent fund into its assets before sale of the property.

Valuing these assets, together with the Senate committee's excess allowance, it results that a sum of approximately $100,000 is turned back into the company's treasury for satisfaction of its claims or for distribution among its stockholders, if that disposition should be decided upon. The present outstanding stock issue is $1,903,238, so that it would be possible to allow about 5 per cent on the stock, and this is more than any stockholder could claim his securities to be worth, as they have received no dividends since 1876.

SUMMARY.

Bond issue, at 80	$2,082,360
Capitalization of interest payments at 5 per cent	2,083,600
Amount required to convert present interest payments on basis of 4.8 per cent reinvestment	2,069,125

Mr. KENYON. I also want to put into the RECORD as bearing on the relationship of the Government to this canal the syllabus in the case of The United States against The Chesapeake & Delaware Canal Co. It is found in Two hundred and sixth Federal Reporter, page 964.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent to insert in the RECORD the syllabus in the case to which he has referred. Is there objection? The Chair hears none.

The matter referred to is as follows:

UNITED STATES V. CHESAPEAKE & DELAWARE CANAL CO.

(District court, district of Delaware, March 18, 1913.)

No. 1, March term, 1912.

1. Pleading—Demurrer—Admissions by demurrer.

In an action by the United States to recover dividends on corporate stock owned by it, a demurrer by the United States to a plea setting up the statute of limitations operates as an admission that the Government owned the stock and was entitled to the dividends at the time mentioned in the bill of particulars, made part of the declaration.

2. Limitation of actions—Actions by United States—State statute.

In the absence of a Federal statute limiting the time for the bringing of a suit by the United States in its sovereign capacity for the recovery of money to be paid into the National Treasury, no State statute of limitations can bar the remedy.

3. United States actions—Presumption.

In an action by the United States to recover dividends on corporate stock owned by it, it will be presumed, in the absence of allegations to the contrary, that the money to be recovered will be paid into the National Treasury as public money.

4. Limitation of actions—Action by United States.

An action of assumpsit brought by the United States to recover dividends on corporate stock owned by it to be paid into the National Treasury is a suit in its sovereign capacity, which is not barred by a State statute of limitations.

5. Limitation of actions—Action by United States.

The rule that the United States when it becomes a stockholder in a corporation does not thereby impart to the corporation its rights and privileges as a sovereign, and that it has only the rights of a stockholder with respect to the corporate transaction and affairs, does not prevent the application of the rule that a State statute of limitations will not bar an action by the Government in its sovereign capacity to recover dividends on corporate stock owned by the Government.

6. Limitation of actions—Nature of statutory limitations.

A statute of limitations bars the remedy, but does not affect the right, and it may be waived.

7. Limitation of actions—Actions by United States—Agreement as to time.

There is an essential distinction between a pure statute of limitations, on the one hand, and, on the other, time stipulations entering into and forming part of a contract on which the United States as one of the contracting parties brings suit, or a time limitation for an appeal, or the filing of pleadings, or the taking of other steps necessary to the due and orderly prosecution of legal or equitable remedies, or a requirement of notice to be given within a certain time as a condition precedent to the fixing of the liability of a party, in all of which latter cases the United States will be bound by a time limitation as would a private individual.

Mr. KENYON. I will say in reference to this case that the defendant in the suit by the Government to recover the amount due the Government as its share of dividends and interest pleaded the statute of limitations, and to that plea the Government demurred, which demurrer was sustained.

I had rather, as far as I am concerned, see the original proposition stand than to see this amendment adopted, because this is one of the items concerning which the statement has gone to the country that the bill is reduced. This is two millions and a half of the reduction, and in the analysis which we have had here now, and the discussion, which I think has been profitable, and we have not wasted time on it, it is made clear that this is merely postponing the expenditure of this money and that, in fact, the Government in this bill is committing itself to the purchase of this canal.

I now return to the line of argument from which I was diverted a couple of hours ago.

Mr. NORRIS. Mr. President——

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

Mr. KENYON. I do.

Mr. NORRIS. There are only 8 or 10 Senators here, and it seems to me that we ought to have a quorum present. I suggest the absence of a quorum.

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

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

Bankhead	Hughes	Perkins	Smoot
Brady	Jones	Pomerene	Sterling
Brandegee	Kenyon	Ransdell	Stone
Bryan	Kern	Reed	Thompson
Burton	Lane	Robinson	Thornton
Camden	Lea, Tenn.	Saulsbury	Townsend
Chamberlain	McCumber	Shafroth	Vardaman
Chilton	Martin, Va.	Sheppard	Walsh
Fletcher	Martine, N. J.	Shields	Weeks
Gallinger	Norris	Simmons	West
Gore	Overman	Smith, Ga.	White
Hitchcock	Page	Smith, S. C.	Williams

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN], and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement may stand for the day.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will allow this announcement stand for the day.

Mr. PAGE. I desire to announce the necessary absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. I should like to have this announcement stand for the day.

Mr. KERN. I wish to announce the unavoidable absence of my colleague [Mr. SHIVELY]. He is paired. This announcement may stand for the day.

The PRESIDING OFFICER. Forty-eight Senators have answered to their names. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of the absent Senators, and Mr. PITTMAN answered to his name when called.

The PRESIDING OFFICER. Forty-nine Senators have answered to the roll call. A quorum is present. The Senator from Iowa will proceed.

Mr. KENYON. Mr. President, I want to read now from the Richmond Journal an article entitled "A serious situation":

A SERIOUS SITUATION.

On general principles we should like to see Congress defeat the pending bill for river and harbor improvement. The millions of dollars carried by it should be kept in the Treasury if possible, it would seem, in these times when the reduction of imports as a result of the war has caused such a tremendous falling off in customs receipts.

But the war also has brought about another condition which the Government should do all possible to alleviate. The war has caused a very pronounced slowing up of business in the United States and slackening in many lines of industry. The number of unemployed in this country is greater as a result than it has been at any period in 20 years.

There will be an enormous increase in this number should the river and harbor bill fail of passage this year. About 30,000 people employed by the Government on river and harbor work would be thrown into idleness the 1st of October should the bill fail of passage. In the present state of trade and industry there would be little prospect of any considerable portion of those formerly employed by the Government being able to secure other employment. To add this large number of idle workingmen to the number already out of work would be to affect very seriously a situation already serious.

The opposition to the pending bill is based upon the alleged amount of "pork" which it contains. Undoubtedly there is ground for such objection. But Army engineers who have examined the various items of the bill say that it is less objectionable in this regard than any similar measure which has been reported in many years. Of course, the ideal measure for the improvement of rivers and harbors would be one drafted by engineers of the Army and shipping men, who know the absolute needs of every waterway, but we have not that system now and are in no immediate prospect of getting it. The best we can do is to make the best possible use of the system which we have. The experts of the Engineer Corps of the Army say this has been done.

If this were a time of profound peace, if the business of the country, already unsettled by legislation, which, however much it may better business conditions eventually, has not had time to accomplish its purpose, were not further slackened and embarrassed by a foreign war of unexampled magnitude, we should not be so urgent for the passage of the pending bill for waterway improvement. But the very conditions which cause a group of Senators to oppose the bill cause more farseeing and broad-minded men to urge its enactment into law.

We are glad to know that the Virginia Senators are supporting the bill. Failure to pass it will be fraught with serious results.

I read that in order that I may not be accused of making partial observations on this question. The Chicago Tribune of September 10—and the Chicago Tribune may be interested, of course, in knowing the allegations of the distinguished Sen-

ator from Louisiana [Mr. RANSDELL] as to railroad control of newspapers and magazines—contains this editorial:

WASTE AND WAR TAXES.

A little good in the barrel is not leaven that leaveneth the whole mass. If the rivers and harbors appropriations were 50 per cent pure or 75 per cent pure, they would be opposed by uncompromising Congressmen determined that filching should not have recognized place in the process of government.

Until the questions of internal improvement can be taken up honestly by Congress these bills ought to be opposed. A western defender of the barrel method says that less than one-half of 1 per cent of the bill can be criticized. He has a childlike faith in congressional methods. Such appropriations might be called frankly "funds for making the Members of Congress solid in their districts or States." Their political exceeds their engineering value in Congress.

It is the misfortune of worthy projects that they are forced to carry the fraudulent as a burden, and men who have genuine internal improvement in mind would be the first to demand a change in method.

If Congress succeeds in appropriating all the money asked for, it will have made provision for a fund approximately one-third as large as that needed to build the Panama Canal, the fund available and the funds to set aside for immediate and future work being considered.

In the year of a war tax there can be no defense of this. The Government must assess the people because there is not enough revenue, but no regard is paid to ordinary economy.

If the rivers and harbors bill contained only items for enterprises of indisputable value, Congress would reduce the amount. If there were no political advantage sought or to be obtained, Congress, without any urgence from outside, would carry over to other years such improvements as might be deferred.

If Congress were legislating for the country and not for itself, it would be as economical as Mr. Barkis. Zeal for good works never would carry it into extraordinary expenditures.

Again I read from the same paper, as follows:

WAR TAXES.

President Wilson, in his message to Congress advising that honorable body of the necessity existing for the imposition of a war tax, was not at liberty to urge economy.

That, Mr. President, has been one of the great mysteries in the President's message. He uttered not a single word for economy, and everybody knows, cloak it behind any guise you please, that if this Congress would practice a little economy, and a very little, no war tax would be necessary. If this Congress does not know that fact, the country is coming to understand it mighty fast. This article continues:

* * * * * * *

Whatever the reason, Mr. Wilson did not ask Congress to watch carefully its expenditures in a year of diminished revenues, but merely requested that extraordinary means be found to meet extraordinary needs.

We are not inclined to criticize the President. He has done much with a reluctant Congress and may feel that there are natural limits to Executive coercion.

It is interesting, of course, if we have reached that point.

Mr. GALLINGER. Mr. President, does the Senator from Iowa observe any symptoms which are encouraging in that direction?

Mr. KENYON. Except as to economy.

Mr. GALLINGER. I read in the morning Post, I think it was, that the gentlemen who are framing a tax bill openly avow that they have stopped work until the President can be consulted and his views carried out. That does not look as though the President had abdicated the function of dictating matters.

Mr. KENYON. I think the Senator from New Hampshire believes that it was very wise to suspend the work of formulating this tax measure. In view of the fact that we were informed by the newspapers that a tax was to be placed on transportation, it would be well to delay that matter for consultation with the head of the party.

Mr. GALLINGER. I do not assert at all that what the newspapers say is correct; but, in connection with that, it has been asserted that the President had approved of that tax before the suggestion was made to the public.

Mr. KENYON. I am sure I do not know as to that. It seems difficult to believe that he did. This article continues:

He may feel that Congress must work out its own destiny, although how he may avoid the responsibility if wasteful appropriation bills come to him for his approval or how he may avoid blame if they receive it we do not see.

The Democratic Party was a rhetorical and blatant critic of "Republican extravagance." Its national platform contained the solemn utterances of economical and indignant Jeffersonians, stern men of simple lives. We do not seriously commit the sophomoric folly of asking an administration to give one thought to the platform its party offered as a pledge, because Americans know that rhetoricians write the pledges and practical men later find ways of forgetting them.

Nevertheless we had extraordinary noise about extravagance, and we have had subsequently extraordinary effort to outspend the Republicans and to spend more wastefully than entered into the cautious plans of the Republicans.

It is not contended that the rivers and harbors bill represents a total waste. Some meritorious projects are included in its provisions. They suffer because they are in a barrel of rotten apples. The whole scheme of internal improvement must suffer when upon it are hung unconscionable frauds intended merely to strengthen a Congressman with his unthinking home folk, or, worse yet, to bring private advantage to powerful interests.

This Congress reasons that, in spite of the necessity for a war tax, appropriation shall be made for the indefensible projects as well as the legitimate.

President Wilson asks the national legislators to levy war taxes. They do not consider retrenchment. They are spending as inconsiderately as if revenues were coming in beyond the ability of a wasteful Congress to expend.

Appetite is running away with judgment. Unfortunately for the country, many Republicans prefer that the Democrats should condemn themselves by their own record. Instead of strengthening the opposition to this scandalous waste, they stand aside and give the Democrats the rope with which to hang themselves. This may be good politics, but it is poor patriotism.

Again, says the same paper—which seems to take a good deal of interest in this proposition—in a very interesting editorial entitled "Our ignored creeks," with some references to the Senators from Illinois, which, though not disparaging, I have excluded from the article:

OUR IGNORED CREEKS.

The temptation is to cry "Fie!" upon the Senators of the United States from the Commonwealth of Illinois. Has this State of Lincoln, Douglas, and "our tears" no creeks and considerable mudholes? Has it no swimming holes and duck ponds? Has it no rivers navigable to a canoe, no purling brooks, no rock-studded streams?

It has. Indubitably it has. They abound, and the murmurs of their flowing waters fill the prairies with music when the night is given over to the katydids and the harvest fly.

I commend that to the distinguished Senator from Texas [Mr. SHEPPARD].

Why, then, do we get no Federal appropriations for their sustenance and joy? Is Spoon River a less considerable highway of international commerce than Kissimmee Creek, Fla.?

That should be river—

Is Rock River a less pleasing product of nature than the Coosa River, Ga.? Is the yellow and turbulent Sangamon, on the broad bosom of which Abraham Lincoln lost a barge in trying to surmount a shag-bark hickory snag, of less importance to the world's marts than Newbegun Creek, N. C.?

We think not. We'll back the streams and waterways of Illinois against the streams and waterways of any proud Southern State. We'll back them from the modest Desplaines to the carp-filled Illinois as competent to carry a Nation's navies and a Nation's crops.

All they need, for instance, is a few stones picked out of the Rock River, a few riffles taken out of the Fox, a few snags taken out of the Sangamon, a little mud taken out of the Illinois, a little sand out of the Desplaines. This done and we may invite the Government to send the superdreadnought *Florida* on a summer cruise in our waters.

How, then, we ask, can a liberal Government, when it is spending $137,000,000 on river and harbor improvements, justly ignore, overlook, avoid, and contemptuously forget our streams and brooks?

Is it proposed that we of Illinois shall be exempt from the war tax necessary to replenish the money to be spent so freely on Southern waters? Shall our telegrams escape the tax? Shall our commodities be exempt from the impost? We think not. The Government will take from each citizen of this great and glorious commonwealth his penny.

And not a catfish in the Sangamon nor a bass in the Illinois will be the happier or the more comfortable. Are our catfish of no importance and our bass ignoble that they should be slighted by a national legislature bent upon casting pork upon the waters? Shall our snags rot where they stick in the mud and our sand bars check the movements of an ambitious maritime State?

But let us be content. We shall be permitted to pay the war tax. That blessing shall not be taken from us. We shall be allowed to act thus as citizens of the United States and replenish the Treasury after the Congressmen have had their way.

Nevertheless, we think our creeks ought to have had something. And it is with a sense of injury that we rebuke Congress for its discrimination in favor of other mud holes than our own.

From the Christian Science Monitor, which I suppose is another paper controlled by a railroad—I dislike to take the time to read all these editorials, but I think they are very interesting, and I notice the large attendance justifies my doing so—I quote the following editorial:

REFORMATION RATHER THAN OBSTRUCTION.

It is not to be reasonably expected, because the methods usually followed in the framing and passing of the rivers and harbors appropriation bill are objectionable, that therefore Federal aid should be withheld from river and harbor improvements. This would be going to another and an absurd extreme. The Government can not afford to neglect its navigable waters. It seemed necessary to check the tendencies toward recklessness, extravagance, and certain forms of corruption in the preparation and passage of this great omnibus supply measure, and for this reason the original bill in the present session was rejected, while consideration of a revised measure was put close to the end of the program. Manifestly, Congress must make proper financial provision for the carrying on of public works of this character but, on the other hand, there is, we are sure, no good reason why even necessity and urgency should compel those seeking reformation of methods to recede from their position.

Assuming that a rivers and harbors bill should, or must, be passed before adjournment of the present session, it does not follow that any emergency should be taken to justify a continuance of the old and thoroughly disreputable way of making the appropriations. It is to be devoutly hoped that the opponents of the pork-barrel method shall determinedly oppose it. The present understanding is that no compromise measure will be accepted by them that does not promise substantial progress toward reformation of the whole system. It is not a mere question of reducing the total by $10,000,000 or by $15,000,000; it is a question of eliminating from the measure all unnecessary or illegitimate appropriations.

* * * * * * *

Mr. GALLINGER. Mr. President, will the Senator yield to me?

Mr. KENYON. I yield to the Senator.

Mr. GALLINGER. In the few observations which I made on Wednesday and Saturday of last week I discussed the river and harbor bill as it had been reported from the committee. Coming into the Chamber this morning, I find on my desk 65 pages in italic type, which it is stated is an "amendment in the nature of a substitute, reported by Mr. SIMMONS, from the Committee on Commerce, to the bill (H. R. 13811) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors," and so forth. I will ask the Senator from Iowa whether he has made an examination of the proposed substitute to see in what particulars it differs from the bill which some of us have heretofore discussed and criticized?

Mr. KENYON. I have not made an examination of the proposed substitute, but I think I know in a general way the changes which have been made in the bill. The reduction in cash appropriations is about $10,000,000. The reduction in the authorization of contracts is about $8,500,000, making total reductions of $18,500,000.

Mr. GALLINGER. I will ask the Senator if those reductions have been made largely from appropriations for harbors and for the great rivers of the country, or have they stricken from the bill the inconsequential creeks and so-called rivers which are scattered through it and to which we have paid some attention?

Mr. KENYON. I think very few of those items have been stricken from the bill, although some have been. I think the item for Deep Creek, N. C., has been stricken from the bill. I think the item for the Sabine River in Texas has been stricken from the bill. The item for Boston Harbor has likewise been stricken from the bill. A considerable reduction has been made in connection with appropriations for the Ohio River; some reductions made in connection with appropriations for the Mississippi River, some affecting the Missouri River, and the increase made by the Senate Committee on Commerce for the Trinity River has been eliminated, as I remember. The item for Lookout Harbor has been reduced very substantially, and there are a number of other reductions in the bill; I can not give the Senator an accurate résumé of it all.

Mr. GALLINGER. It is interesting, I will say to the Senator, to note that the item for Deep Creek in North Carolina has been stricken from the bill; and yet it occurs to me that, unless the name is a misnomer, it ought to have been left in the bill and Shallote River and various other rivers and creeks in that State should have been removed from the bill.

Mr. NORRIS. Mr. President, if the Senator will permit me, it seems to me that it is very appropriate to take Deep Creek out. I suppose it has been taken out on account of its name, because it is deep enough. The other rivers which are only 4 or 5 inches deep, of course, are left in, because it is necessary that some work on them be done before they can float anything. Was Deep Creek the one which had a turntable in it?

Mr. GALLINGER. No; I think that was New River.

Mr. NORRIS. I think Deep Creek is all right as it is and as its name indicates.

Mr. GALLINGER. So that I suppose the appropriation for Boston Harbor, for which there is a crying need, has been stricken from the bill, and it has been evened up by taking Deep Creek from the 22 items of appropriation for North Carolina.

Mr. KENYON. I do not think it is claimed that Deep Creek has the same depth as Boston Harbor. Is the Senator claiming that?

Mr. GALLINGER. Oh, no; not at all. I have been simply suggesting that it seems to be of sufficient importance to offset the removal of the appropriation for Boston Harbor.

Mr. KENYON. I am inclined to think the taking out of the appropriation for Boston Harbor was a righteous thing to do.

I return now to the train of thought from which I was diverted. I read another editorial from the Christain Science Monitor, as follows:

TIME TO DEFEND THE UNITED STATES TREASURY.

The river and harbor bill which Congress seems tempted to adopt, has, we believe, more wasteful and indefensible appropriations in it than have found their way into most recent bills of the kind. So long as a log-rolling, parochial system of framing measures is operative, and so long as legislators abound who have local rather than national horizons, the United States will find it difficult to alter conditions such as this year's river and harbor bill represents.

* * * * * * *

There are times, however, when prudence comes to the aid of right and when, for reasons of thrift, free spenders of other persons' money will listen to the plea of economy and honor. Facing present need of the Government for income and the likelihood that new forms of taxation of the people will soon be tried, it would seem as if a body of lawmakers would go slowly in voting for any bill with new items involving such cost. Much of the work already under way, of course, must go on, on grounds of necessity and of economy as well. But at a time like the present any such total expenditure as the bill now calls for would, we are convinced, be wanton extravagance, calling for a presidential veto were the bill to pass.

Any sensible solution of such a problem as this presents would, it seems to us, include the presidential right to discriminate as between items of an appropriation bill. As it is now, in order to stop the Treasury-raiding items, the Executive has to hold up works which both national necessity and national ambition justify, and for which money should be spent generously and promptly. The President, if faced with this dilemma, can do much in ways that he well knows how to use to focus public opinion in a pressing way upon an admitted defect in our way of ordering public business and using national revenue.

That leads me to observe, Mr. President, that the proposed constitutional amendment giving the President the right to veto individual items in appropriation bills is one of great merit. The present system, whereby the Presdent is compelled to sign a bill, with every item that may be contained therein, or to veto the bill in its entirety, is a system that we should get away from, if possible. Such an amendment is now sleeping in one of the committees, and it is to be hoped that it may soon awaken, because the lack of such authority in the President leads to the very troubles which now vex us in connection with the river and harbor bill. There are items in this bill, despite what the Senator from Louisiana says, which any President of the United States, if he had the power of vetoing separate items, would not hesitate a moment to veto. It leads to carrying the bad projects upon the back of the good projects, just as this system of legislation compels men to vote for the bad things in order to get the good, and it puts the President in that unfortunate situation.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. WALSH in the chair). Does the Senator from Iowa yield to the Senator from Idaho?

Mr. KENYON. I do.

Mr. BORAH. Do I understand that the Senator conceives the virtue of this proposed constitutional amendment to be that the President is more likely than the Congress of the United States to protect the Public Treasury?

Mr. KENYON. Unhesitatingly, yes.

Mr. BORAH. Without discussing the present incumbent, which I have no desire to do, but speaking of Executives generally, has that been the history of the Executives of this country?

Mr. KENYON. The Executives of this country have vetoed three river and harbor bills that have been passed by Congress, and another Executive has called attention to the fact that he really believed he ought to veto one of these bills, but there were such a number of vital propositions in it that he thought he should not do so.

Mr. BORAH. But taking the expenses of the executive departments at the present time and under the previous administration and comparing them with the expenses which may be immediately credited to Congress, does the Senator see any evidences of economy in the executive departments of the Government?

Mr. KENYON. Well, I do not know. I think the President himself must be something of an economist. He is a Presbyterian, and Presbyterians generally are pretty economical. [Laughter.]

Mr. BORAH. That might be true as to the present President——

Mr. KENYON. That is the one we were talking about.

Mr. BORAH. But, to my way of thinking, seriously, the most extravagant feature of this Government is our departments.

Mr. KENYON. Every part of this Government is becoming extravagant. Our appropriations are growing beyond all bounds. This Congress itself, as I expect to point out presently, for the year ending June 30, 1915, will appropriate $100,000,000 more than ever has been appropriated in the history of this country. We are getting more and more reckless. You can hardly go along the streets without being run over by a Government automobile in which is riding the wife of somebody, at Government expense, to make some calls.

Mr. BORAH. I have not come in contact with the automobiles——

Mr. KENYON. I hope the Senator will not, because it is a bad thing to come in contact with one.

Mr. BORAH. But I have been giving some attention to the sources of extravagance in this country, and the sources of extravagance are the inordinate demands of the departments for more and more appropriations.

Mr. KENYON. That is true.

Mr. BORAH. The departments are now running at an average of $3,000,000 a month in excess of what it cost to run those same departments in 1913. These appropriation bills are made up, and the Congress passes them, largely in obedience to the demands from the departments. It is a notorious fact that

when departments ascertain that they are about to approach the end of the year without having exhausted their funds, for fear that it will have the effect of reducing the amount of the appropriation for the next year, they literally waste their funds.

Now, I do not know that I am opposed to the proposed amendment giving the President power to veto specific items in a bill, because perhaps it will put two checks upon extravagance instead of one. It does seem to me, however, that it is a pretty serious thing when we say that the Congress of the United States, elected now directly by the people in both branches of it, and responsible to the people, are not to be trusted; that the pork-barrel system can not be stopped by the immediate representatives of the people; but that we have to depend upon an officer who is one degree removed from the direct vote of the people—because he is elected by the electors—and depend upon those who are further removed from the direct vote than those who are closer to the people by direct vote. I doubt if we will get anything out of it.

Mr. KENYON. Does the Senator believe that the people pay very much attention to the question of appropriations by Congress? I think that is one of the unfortunate things we have to face—that they accept the party platforms promising economy, they listen to the campaign orators, as the Senator well knows from his experience, and they believe what they say; and then, when the party comes into power, they assume that the party is going to carry out its platform, and they pay no more attention to it.

Mr. BORAH. I suppose the Senator now has reference to the Baltimore platform.

Mr. KENYON. I am going to refer to that in a few moments.

Mr. BORAH. When the Senator gets to that I shall have something further to say.

Mr. JONES. Mr. President——

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

Mr. KENYON. I yield to the Senator from Washington.

Mr. JONES. Referring to this suggestion as to economy, in view of some suggestions that were made a moment ago, I think it but fair to call the attention of the Senator to the fact, as to which I think he will agree with me, that the last President of the United States was more urgent and took more active steps to bring about economy than any President we have had in a great many years. Notwithstanding the promises in the Democratic platform, I have not found in any of the addresses of the present President, whether delivered in Congress or anywhere else, any urgent insistence upon economy on the part of Congress or any suggestions as to the necessity of Congress being economical.

I should like to know whether or not the Senator knows of any special attempts made by the present administration to bring about economy, either in the departments or in the legislation by Congress?

Mr. KENYON. I have tried to find in some of the President's utterances some suggestions of economy. Mr. Bryan, when he was a candidate for President, made some speeches along that line, urging economy. It is hard to tell just what economy is in government. We are getting to be such a great country, the lines are so much broken down between State and Nation in relation to appropriations, our development is so vast, there are so many things that Government is now laying its hands on and trying to do, and many of them, of course, righteous things, just as proper river and harbor appropriations are, the development of agriculture, the development of public health, that eye has not seen or mind conceived what in a few years our Government is going to be and how this question of appropriations is to be taken care of.

I do think we ought to have some kind of a budget system. At present we have different committees passing upon different appropriations. There is no coordination between these committees. There is no budget to which we are working. If the Senator from Washington had a great business, I imagine, such as a railroad business, he would see what his income would probably be; he would figure out expenditures; he would allot a certain amount to maintenance of track, a certain amount to equipment and overhead charges; and then he would make, as nearly as he could, those who were under him conform to this regulation and try to bring the matter within the budget.

Mr. JONES. Mr. President, I heartily agree with the Senator in this suggestion, and I wish to call his attention to the fact that that was one matter that was very strongly urged by President Taft. As I said a moment ago, he was very insistent all through his administration in trying to bring about economical methods in the administration of the Government.

Of course that does not mean that appropriations would be stopped at all. As the Senator says, this is becoming a very great country, and we are taking up very diverse activities upon the part of the Government. This requires large expenditures of money. Those large expenditures may be very wise and very economical. In fact, I think in a great many cases they are. Nevertheless, that does not and should not excuse us from trying to devise economical means of taking care of these various problems, and that would seem to be one of the things that the former President insisted upon very strenuously.

In view of the platform declarations of our Democratic friends, I really have been surprised at the lack of any apparent effort on their part to devise and bring about economical methods in the administration of the Government and in taking care of the vast and complicated problems to which the Senator has referred.

Mr. KENYON. Well, of course our Democratic friends have had a good deal on their hands since they came into office, and perhaps they should be excused for not showing more diligence. It is true, as the Senator suggests, that President Taft made an earnest effort, by an economy commission, to reduce the expenses of the Government; but I am not satisfied that very much was accomplished. I do not know whether the Senator has an opinion on that subject or not; but while of course it is our business, the Senator knows that there is not anything in this world quite so unpopular as trying to fight any kind of an appropriation bill. There are good appropriations, of course, but if you fight any kind of an appropriation bill it is said: "Why, did not you get an appropriation for this and that and the other thing?" regardless of whether it is good or bad. If you try to fight any kind of an appropriation, and honestly think you are trying to save some money to the people of this country, you are held up and ridiculed as a reformer and an uplifter, and it is intimated that you are pretending to be better than your fellow men. That is what we have drifted into.

Now, the allurements of public life are of such little importance to me anyhow that I do not care; I am not going to vote for appropriations that possibly my State ought to have if by doing that I have to vote for propositions that are absolutely bad. I will not do it. I would rather get out of here and go home to my farm.

Mr. JONES. Mr. President, I certainly have not made any suggestion that the Senator could construe as an intimation——

Mr. KENYON. Oh, it is always an inspiration to look into the Senator's face on these matters, and I did not mean that he had suggested that at all.

Mr. JONES. Of course, I agree with very much of what the Senator has said. The only difference is that he might regard as wasteful an item which I might regard as good.

Mr. KENYON. Exactly; and I freely concede that, of course. Everybody has different opinions about the matter, and one person's opinion is just as honest as another's.

Mr. JONES. Yes.

Mr. KENYON. But have we not developed a system in this country where the people at home sometimes say: "Get us this public building; get us this appropriation. This State has had this appropriation; this Congressman has secured this. You get it for us"?

Mr. JONES. There is no question about that.

Mr. KENYON. And then, when you get it and come home, there is a hack at the depot to meet you, with some horses with white plumes, and you are taken up to a banquet for what you have done for the community, when possibly and probably that building is not needed at all. Is not that the cold fact, if you and I should sit down on a dry-goods box and talk it over? Perhaps we have been guilty ourselves.

Mr. JONES. We do not need to sit down on a dry-goods box and talk it over.

Mr. KENYON. That would be more comfortable than standing up all day.

Mr. JONES. We can talk it over right here in the Senate. There is no question but that there is a condition just like that prevalent throughout the country.

Mr. KENYON. We can talk it over here in almost a private way.

Mr. JONES. Yes; very nearly in a private way, without disturbing anybody very much. I agree, and it is very unfortunate that that condition of things exists in the country, and I do not know how it can be remedied. Possibly, however, by the discussion of measures like this in the way it has been discussed this matter will be brought home to the people, and they will begin to realize as a matter of fact that Senators and Representatives are very largely responsive to and representative of the sentiment back home, and if they want to cor-

rect a great many of these things there must be a different sentiment there.

Mr. KENYON. I will say to the Senator that that is one of the reasons why I have taken the time, and shall take the time, to read these editorials. I think they show that while this river and harbor bill attracts no attention in the Senate the discussion has brought home to the people the very thing the Senator has suggested.

I now resume this very interesting reading.

Mr. LANE. Mr. President, I suggest to the Senator that the evil of the condition is principally due to the fact that all Senators and Representatives are loyally inclined to do as much as they can for the communities in which they reside. They are sent here, each one representing a different State, and turned loose, as you might say, to grab for appropriations I do not think it will be remedied until a certain proportion of the Members of both Houses are elected at large. Cities have found that where members of the council were elected from wards, each member of a ward was trying to loot the treasury of the city, not from any motive of robbery at all, but to secure a particular advantage and benefit to the ward in which he lived. He was expected by the people who elected him from that ward, and whom he represented, to do so.

Now, Members of the Congress coming here are to a certain extent governed by that same principle. They are compelled to pay attention to it. The Senator would know that if he came from a country which has harbors on the seacoast. I do not think we will ever get rid of these fraudulent or exaggerated appropriations until the Government recognizes the fact, which many cities have recognized, that it will be necessary to send here a certain proportion at least of the representatives who have been elected at large to look out for the general welfare of the entire community, regardless of local pressure—men who are placed above it and free from it, who do not have to depend upon it. Until you do that there always will be this contest of skill and wits.

There are Members of the Senate here as to whom I was told, when I first came here, that if there were 10 more like them in the United States Senate there would not be a dollar left in the National Treasury. [Laughter.] They have been so successful in securing appropriations for their States to the extent of millions upon millions and millions of dollars for the construction of post offices costing from, say, fifty to one hundred thousand dollars and more in towns of 500 inhabitants, that they were like Atilla of old, who marched down through Europe and became justly called "the scourge of God"—a scourge of God visited upon the Treasury of the people of the United States. Until we become relieved of present conditions in this respect, and there is a broader principle recognized, and men are sent here to legislate for the general good without any restraints upon them, many elected as Members at large, I do not look for much improvement in these river and harbor bills.

I know that in the country where I come from the man who secures the largest appropriations, and the most of them for the people who are trying to secure an outlet to the sea, is the most popular candidate; and yet, in the main, I think you will find that the appropriations for rivers and harbors for the State which I, in part, represent are free from any suspicion of graft. In many cases in our State the people themselves put up dollar for dollar for every appropriation that the Government makes, thus showing their faith in the projects—that they are willing to put up dollar for dollar with the Government. A community which will do that is playing fair. In one instance a certain community has assessed itself—every man, woman, and child—to the sum of $16 apiece, and without having had a cent from the Government, to open up their harbor to the sea.

Mr. NORRIS. That would be 16 to 1.

Mr. LANE. Yes; 16 to nothing [laughter]; still more. That would outdo Mr. Bryan's silver theory.

Now, I think you may talk here until your tongue gets sore, and scold all you wish about the present bill, and I have not a doubt but that it contains items that are utterly unworthy of consideration; yet I see no chance in the long run for the people to escape, or of the unfortunate victims of misguided judgment who, by their skill, have inflicted themselves upon the people of this country as Members of the Senate [laughter], escaping censure at the hands of the people whom they represent and the States which they represent, if they do not secure large and fat appropriations until the day comes when the people recognize that it is a bad investment and elect a certain proportion of them at large. The people of this country under present conditions would be hundreds upon hundreds of millions of dollars ahead if they paid half the Members of the Senate a million dollars a year to get to hades out of the country and go and travel in Europe until the war is over [laughter] or until the time came when they were elected to represent all of the people at large, without prejudice either for or against the interests of the community in which they reside.

Mr. VARDAMAN. Mr. President——

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

Mr. KENYON. I do.

Mr. VARDAMAN. I wish to suggest to the Senator from Oregon that I think the American people are more desirous that the Senate should finish the work before it than anything else. They are looking and hoping and praying for that more than anything else just now. I should like to see this bill, which has in it, I admit, a good many things that ought to be eliminated, come to a vote and let the Senate settle it. Let Senators vote, guided by their own sense of duty. I have not a corner on all the political morality, wisdom, and patriotism; nor has any other Senator. I believe that when the bill comes to a vote Senators are going to do their duty and eliminate the objectionable features and items. The thing the country is tired of just now is delay.

The Senators are responsible only to themselves and their immediate constituents; but if we could get to a vote on this measure I feel very sure that some of the items in the bill which are the subjects of such long-drawn-out discussion here might be cut out. I hope they will be, and then the work of the Senate will be finished and Senators can return to their homes and do something else. I have faith in the ability of the American people to govern themselves. If Senators are not faithful to their duties here, they will have to settle with them later. We can not effect reform by simply killing time, and I for one am exceedingly anxious that we shall get down to business and get to a vote on this measure. It is of vital importance to the people of my State.

Mr. LANE and Mr. BORAH addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from Iowa yield?

Mr. KENYON. I yield to the Senator from Oregon.

Mr. LANE. Not in answer to the Senator from Mississippi, but just by way of comment, I will say that there are certain features and appropriations in this bill which, if I am correctly informed, bring discredit upon the appropriations which we would be glad to see passed. It is unfortunate that in order to secure some of these appropriations which are necessary, and which the people want—and the same is true as to many items of legislation that have passed this body, and which we have been passing at all times since I have been a Member of it—they are compelled to take into their systems and pay for a lot of other appropriations which are utterly to the bad. The Senate should be brave enough and big enough to throw those items out and pass an appropriation upon its merits, purely and simply. Let us pass the good appropriations for improvements which are needed and which the people are suffering for on both coasts.

Mr. VARDAMAN. I agree heartily with the Senator that bad items should be eliminated. You can not eliminate them, however, unless you will give us an opportunity to vote them out. I will vote with the Senator from Oregon to cut out these objectionable items. We all understand that all legislation is the result of compromise. There is a diversity of interests to be considered. The empire of America stretches from the Arctic to the Tropics, and from the Atlantic across the Pacific Ocean, and the interests that are here to be conserved are varied and multitudinous. What I want to do, in the name of truth, in all that is good and holy, is to get down to the point where we can do something and not drag the matter out here to an interminable extent.

Mr. KENYON. Mr. President, I have such great affection for the Senator from Mississippi that I feel very much hurt if he is under the impression that I am inclined to drag this out.

Mr. VARDAMAN. Pardon me.

Mr. KENYON. I thought I was making a very interesting speech.

Mr. VARDAMAN. I hope the Senator will understand that I am not criticizing his method of discussion. He is always logical and candid, and the affluence of his eloquence is charming; but the Senator will remember that for the last week or ten days we have discussed everything from a pebble to the stars, except the things that are contained in this bill; and the necessity for the enactment of some legislation looking to river and harbor improvement is so imperative, so necessary, that it seems to me Senators should confine themselves to a discussion of the question before the Senate, to the end that something may be done that would give relief to the people whose interests are to be protected by the appropriations carried in this bill. If Senators would only realize how far-reaching and important

this measure is to the people living on the banks of the lower Mississippi River, they would understand the source of my solicitude and anxiety and the reason for my apparent impatience at delay. Large property interests and the lives of these people are involved.

Mr. KENYON. I think the Senator will concede that a large part of my time has been taken up with interruptions and discussions not suggested by myself. As I stated to the chairman of the committee, I wanted four or five hours to discuss this bill, and I could have completed what I had to say in four or five hours if not interrupted. I did not feel like——

Mr. VARDAMAN. I will agree not to interrupt the Senator any further.

Mr. KENYON. I like to have the Senator interrupt me.

Mr. VARDAMAN. The Senator is always courteous and generous, but I want him to finish. He is making an illuminating speech and contributing very substantially to the proper settlement of the question at issue.

Mr. KENYON. The Senator from Mississippi is always entertaining and oftentimes fully as entertaining when away from his subject as when he confines himself to it.

Mr. VARDAMAN. I should like very much to entertain my friend from Iowa, but I can not afford to sacrifice the public interest to even so delightful a purpose as entertaining my good friend the Senator from Iowa.

Mr. KENYON. I would join with the Senator from Mississippi, however, in the very great desire to adjourn, and I would be glad to yield the floor for a concurrent resolution to adjourn Congress, because if there is anything the people of the country would like to see, it would be to have Congress adjourn. I agree with the Senator from Mississippi about that.

Mr. VARDAMAN. I want to say to the Senator that the people I have the honor to represent here would be very much disappointed if the Congress should adjourn without making some appropriation to protect the people in the lower Mississippi Valley from the ravages of the floods. Such a neglect of a serious public duty I hope the Senate is incapable of contemplating.

Mr. KENYON. I do not think Congress should adjourn until it does. I am with the Senator on that proposition.

Mr. VARDAMAN. I thank the Senator from Iowa.

Mr. KENYON. I am sorry to see the Senator from Mississippi leaving the room, as he would have enjoyed the articles I am now about to read.

The New Orleans Item of September 3, a southern paper, says:

The most forceful mouthpieces of public opinion in the United States are united in denunciation of the pending rivers and harbors bill as "scandalous" when proposed in coincidence with the admitted need for "war taxes" that must raise an equal sum.

These same organs of publicity are likewise as one in urging in the stead of the "pork barrel" rivers and harbors bill a systematized treatment by the Federal Government of the rivers and harbors, the problems of floods and of navigation.

So it comes about that Congress is the scene of hot debate about the pending measure; the President has not admitted that he has read it and it is conceded by its advocates to be in grave danger.

Meantime we in the lower valley must suffer certainty of disaster if this same "pork barrel" bill fails to pass and we have floods in 1915, for the measure carries with it many aimless and useless proposals, the emergency expenditures required for levees and revetments below Cape Girardeau.

Now has intervened Mexico, the tolls dispute, and presently war in Europe.

And now in all its brazen, shiftless, aimless, reckless, ineffectiveness the ancient "pork-barrel" methods are exposed by the logic of the times—and the needy as well as the greedy must suffer.

That is from a paper that is honestly in favor of what is known as the Broussard bill.

The Senator from Michigan [Mr. SMITH] has talked so earnestly about this bill that I want to read one editorial from his State. The Detroit News says:

JUST PORK.

The News has received letters from its readers asking about the Washington "pork barrel," what it is, what it means, and how it will affect them as citizens of the United States.

To make it plain to readers who are not familiar with the political vernacular, we must first analyze the meaning of the word "pork." Pork is composed of two principal ingredients—the lean and the fat. By far the greater of these two is the fat.

The proposed $92,000,000 rivers and harbors bill is the pork barrel of Washington. The pork contained therein is theoretically composed of two substances—the lean and the fat. By far the greater of these two components is the fat.

The lean in this pork barrel is such necessary improvement as must be made in inland navigable waters and harbors. The fat is the part that your Senator and Congressman dwell upon when they want you to return them to Washington on their previous record.

If you have a creek, a lake, or a body of water in your congressional district deep enough to come under the jurisdiction of the Government, and it's full of twigs and sediment, or if the river is crooked and doesn't know where it's going; or of you can imagine that your boat landing should be a harbor for trans-Atlantic and lake traffic, and the Government pays—or, rather, you are permitted to pay—to have these things remedied, that's the fat in this pork. Of course it's nice to have all these things done as a reward for your good judgment in selecting congressional Representatives and securing senatorial influence, but wouldn't you rather let the old fish pond remain as you knew it in your boyhood days and the river follow its natural picturesque course until this expensive trouble in Europe is settled?

Perhaps when you come to think that on top of the pork barrel you will be called upon to pay your share of a $100,000,000 war tax to make up the deficit in the Internal-Revenue Department, due to the European war, the old mill pond will look better to you as it is. And maybe you will like your Congressman and Senator all the more if he saves your share of that $100,000,000. The News believes that is the sentiment of most of its readers.

Pork is nothing new in American politics. It is a part of the American propensity for extravagance. And, under normal conditions, a lot of good has been accomplished even with the excessive fat. But now, in the face of the war, in the face of subsequent unsettled conditions, in the face of opportunities to develop and extend our foreign trade, in the face of contingencies that will require the strictest economy on the part of the individual as well as on the part of the Government, it is no time, brethren, to talk pork.

And have you thought of this? At no time in history have the economic results of a great war been confined solely to the belligerent nations. Everybody suffers and has suffered from the results and consequences of war. Loans, war taxes, and additional assessments are levied by peaceful and warring countries alike. It's an ill wind that blows nobody good.

What would reflect greater credit on our country, now as well as in history, than to have it go through this struggle without imposing additional burdens on its citizens? It would show primarily that we are an economic business people. It would strengthen our national credit and give us money to spend rather than to return in payment of debts over which we had no original control. Such a course would be more in keeping not only with good business, but with the late record of the party in power.

If that money must be spent, the example set by England and its convenient navy would warrant us in spending it on a few more first-class battleships. But even that is for the moment out of the question. What we must do now is to save—not spend. One beauty about having money is that you can always spend it; and it would seem to any thinking person that we can get more for our money by saving now rather than spending it.

The Milwaukee Free Press of September 7, in an article entitled "A Lost Opportunity," says:

President Wilson, had he been so minded, could have rendered his fellow citizens a great double service last Friday.

In placing the Government's fiscal situation before Congress he could have compelled the defeat of the pending infamous "pork-barrel" measure in the interest of economy and thus have made a special tax practically unnecessary.

According to the President, the falling off in the customs receipts promises to total between $60,000,000 and $100,000,000 by the end of the current financial year. But the "pork-barrel" bill calls for $93,000,000, the largest raid of the kind in the history of the country.

Now, suppose the President had followed the precedent of Mr. Taft and frankly pointed out the evils of our rivers and harbors policy; suppose he had quoted from a multitude of expert opinion to show the utter uselessness and waste of the major part of the appropriations, their recognized character as indirect congressional "graft"; suppose he had emphasized the fact that next to the Army and Navy the Nation is spending more money in this unjustified manner than in any other; suppose he had reminded Congress that $52,000,000 have already been provided for river and harbor improvements during the period.

Suppose he had done this and then emphasized the duty of Congress in the present condition of the Treasury to make an end of its contemplated raid, to defeat the bill or to cut it down to the marrow of necessity, and does anyone believe the President's appeal would have been without effect?

But President Wilson did nothing of the sort. Instead he asked Congress to impose an additional, an extraordinary burden on an already overtaxed people. And, be it remembered, that the European war is not the immediate cause; it is but an accentuation of other causes that are responsible for the depleted Treasury. Those causes are the reduction of the tariff below an adequate revenue-producing point and the failure of the income tax to yield the revenue predicted by the tariff doctors.

President Wilson prefers direct taxation of the people to a bond issue, because he claims "this is manifestly not the time to withdraw working capital from other uses to pay the Government's bills." Evidently the President is still psychologically convinced that capital is working overtime in spite of appearances. The fact is, as indicated in the financial press, that the times are extraordinarily favorable for just such a loan by the Government.

For that matter, had the President urged the smashing of the "pork barrel," with a resultant saving of $50,000,000 to $60,000,000 in the Treasury, the bond issue required would have been so slight as to be negligible.

The President having failed to grasp a great opportunity, we can only hope that enough pressure can be brought to bear upon Congress to save the people in these already overburdened times from another tax on industry and individual living.

Mr. RANSDELL. Will the Senator from Iowa yield?

Mr. KENYON. Certainly.

Mr. RANSDELL. I understood the Senator to say that this bill carried $93,000,000.

Mr. KENYON. I am reading from an editorial which so states.

Mr. RANSDELL. Are you vouching for the correctness of the editorial?

Mr. KENYON. I do not think there is any question about what this bill does.

Mr. RANSDELL. Will you mind stating, then, what the bill does carry? It carries only $53,000,000, including continuing contracts.

Mr. KENYON. Does not the Senator include in this bill the $32,000,000 that must be appropriated in the future?

Mr. RANSDELL. Not at all.

Mr. KENYON. It certainly does provide for that, though it does not appropriate for it.

Mr. RANSDELL. I wish the Senator would show how it provides for it.

Mr. KENYON. It provides for the cash and the authorized contracts for the future.

Mr. RANSDELL. It provides for about $43,000,000 cash and about $10,000,000 of continuing contracts.

Mr. KENYON. I will read on that what will make it as clear as anything can be made.

Mr. RANSDELL. I think, in all fairness, if the Senator is going to stand for the proposition that the bill carries $93,000,000, he should state how it carries $93,000,000.

Mr. KENYON. I will state that——

Mr. RANSDELL. I state emphatically that the bill carries but $53,000,000 as introduced last June, and it has been scaled down about $19,000,000. It now carries about $34,000,000 in cash and contracts.

Mr. KENYON. But there are projects carried which it will require, to complete, $36,000,000 more.

Mr. RANSDELL. There are projects, if we eventually allow them.

Mr. KENYON. You are providing for them here.

Mr. RANSDELL. There are projects that I presume will cost a good deal more than $36,000,000 additional. There is a project on the Ohio River alone which will cost a great deal of money. There is a project on the Missouri River which will require considerable money to complete ultimately. There is a project on the upper Mississippi which it will require considerable money to complete. There is a project on the lower Mississippi and there are a number of projects on which work is being carried on. If you are going to count the bill in that way, of course it will carry a great deal more than $93,000,000, but that is not the way to compute the bill.

Mr. KENYON. The Senator and I do not disagree about the cash it carries.

Mr. RANSDELL. And the contracts.

Mr. KENYON. We may disagree about that.

Mr. RANSDELL. It is plainly stated in the bill what the contracts are.

Mr. KENYON. Those are future obligations, but they are obligations nevertheless which will require future appropriations. So this bill is committing the Government, as I figure it, to something like $83,000,000.

Mr. RANSDELL. Then, I will ask the Senator to put in the RECORD the specific items, for I deny that it commits the Government to one dollar more than I stated, in round numbers, $10,000,000 of continuing contracts and $43,000,000 cash.

Mr. BURTON. Will the Senator from Iowa, as well as the Senator from Louisiana, yield to me for a question?

Mr. RANSDELL. I will yield, if I have any right to do so.

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

Mr. BURTON. Let me take one or two illustrations: There is an appropriation in this bill of $200,000 for the Sacramento and Feather Rivers in accordance with such and such a report. That report details an improvement to cost $5,860,000.

Mr. RANSDELL. I think that is correct.

Mr. BURTON. Does the Senator from Louisiana deny that this appropriation of $200,000, small, comparatively, as it is, commits the Government to an expenditure of $5,860,000?

Mr. RANSDELL. I do not deny it.

Mr. BURTON. There is an appropriation of $340,000 for a project contemplating 10 locks and dams in the upper Cumberland River. No mention is made in the paragraph whatever of its total expense, but there is a reference to an executive document or report, which definitely describes the project and shows that it will cost $4,500,000. Now, does the Senator deny that that appropriation of $340,000 commits the Government to the expenditure of $4,500,000?

Mr. RANSDELL. It commits the Government in a way, if it is going to carry on the work. I presume it does commit it. I should like to ask the Senator from Ohio if he denies that the appropriation of $5,000,000 made for the Ohio River, in accordance with the plan that we have been working on, does not thoroughly commit the Government to the balance of the sixty-three millions which the project will cost?

Mr. BURTON. I take it it is under a provision contained in the act of 1910.

Mr. RANSDELL. Does the appropriation for the Delaware River, may I ask the Senator, commit the Government to finish that project?

Mr. BURTON. It does.

Mr. RANSDELL. Does not the appropriation for the upper Mississippi practically commit the Government to finish that project? If you are going to say that this amount is $93,000,000, in Heaven's name why not figure out all these things?

Mr. BURTON. In the consideration of this bill we take into account the ultimate expense of all the projects that are in the bill, and that is the reason, and the main reason, of the existence of projects costing certainly $300,000,000 or $400,000,000 that are under way, many of which are being very slowly prosecuted, some of which it will require 30, 40, or even 50 years to complete. That I say is the most potent reason possible why we should be very slow about taking up any new projects.

Mr. RANSDELL. I ask the Senator from Ohio if in making up the amount carried in this bill, the $93,000,000 which the Senator from Iowa is talking about, he computed the amount necessary to finish the Ohio River improvement from Pittsburgh to Cairo, and if he did not compute it, why not?

Mr. BURTON. The amounts for the completion of the Ohio River are not computed, because they are carried, as far as any committal of the Government is concerned, in prior bills.

Mr. RANSDELL. We are carrying $5,000,000 in this bill.

Mr. BURTON. Not according to the amendment here. According to the amendment we are carrying only $2,000,000.

Mr. RANSDELL. I am speaking of the original bill.

Mr. BORAH. Mr. President——

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

Mr. KENYON. I do.

Mr. BORAH. I wish to ask the Senator from Louisiana a question. How much does this bill carry in the way of appropriations for new projects entirely?

Mr. RANSDELL. I have not the figures right at hand. I will look it up and inform the Senator.

Mr. KENYON. About $32,000,000.

Mr. RANSDELL. I can not give the figure offhand. I will be glad to look it up and give the Senator the figures.

Mr. BORAH. I knew the Senator——

Mr. RANSDELL. There are in round numbers 94 new projects in the bill, and we provide for completing 62 of them.

Mr. BURTON. While we are on that subject, I will give the statement as contained in the House report, on page 8 of the report on the river and harbor bill for the Senate Committee on Commerce:

> In addition to the items for the old, or existing, projects, we have added 76 new projects, requiring in all to complete $38,684,700, while only $5,786,829 have been appropriated and authorized in the bill.

That shows the theory under which this bill is gotten up—a committal to new projects costing $38,000,000, but only $5,786,829 has been appropriated or authorized in the bill. I have not at hand the new projects. I think they are not segregated in the Senate bill.

Mr. KENYON. I should like to give the Senator that information as it came to us from the Senator in charge of the bill. I presume that we can rely on his speech at the time the bill was reported. He said:

> The bill as it came from the House carried appropriations in cash of $39,408,904 and authorizations of $4,000,000; a total of cash appropriations and authorizations of $43,408,904. The Senate committee adopted all the House authorizations. There were only two of these: First, the Delaware River, for which there was an authorization of $1,000,000; secondly, the Ohio River, for which there was an authorization of $3,000,000.
>
> The bill as reported to the Senate strikes out items in the House bill aggregating $2,024,000 and adds new items, for which appropriations are made, aggregating $5,946,400, making a net increase over the House cash appropriations of $3,922,400. The bill as reported to the Senate adds to the authorizations in the House bill authorizations for three additional projects—the mouth of the Columbia River, $4,100,000; harbor of refuge at Cape Lookout, $1,826,600; and Los Angeles Harbor, $426,000.
>
> The bill as reported to the Senate therefore carries appropriations and authorizations amounting in cash to $43,408,904, and authorizations of $10,275,000, or a total of $53,683,904.
>
> The House committee added 76 new projects, requiring in all to complete $38,864,700, and appropriated for these 76 new projects $5,786,829, leaving $33,077,871 to be appropriated for in future bills.

I answer the Senator from Louisiana that the cash as coming over from the House, when it was finally amended by the Senate committee, with the authorization, amounted to $43,289,400, the future obligations being $32,899,871. Then I added to that, in making up my figures as to river and harbor improvements, the amount of cash carried in the sundry civil appropriation bill for rivers and harbors, which is $6,990,000, and the Senate committee increase of about $10,000,000. So we get up to about $93,000,000.

Mr. BORAH. Let us get this straightened out, if we can. I understand that 76 new projects were put on in the House.

Mr. KENYON. Yes.

Mr. BORAH. And the contract amount appropriated for those new projects was how much?

Mr. KENYON. It requires to complete these projects $38,864,700.

Mr. BORAH. And the actual amount appropriated was about $5,000,000, leaving about $33,000,000 to be appropriated hereafter?

Mr. KENYON. Yes; exactly. We appropriate $5,786,829, leaving $33,077,871 to be appropriated for in the future.

Mr. BORAH. We have in effect obligated ourselves to the entire amount by beginning the new projects.

Mr. KENYON. Exactly.

Mr. RANSDELL. The point I was trying to make—and I hope the Senators will give it careful consideration—is that we have committed ourselves for a number of important projects in this bill, such as the Ohio River, the Norfolk-Beaufort Canal, the upper Mississippi, the Mississippi between the mouth of the Missouri and Cairo, the Missouri, the lower Mississippi, the Columbia, the Delaware, East River, Hell Gate, the fourth lock on the St. Marys River, and others. We have committed ourselves to much larger amounts than the Senator has just stated, and if he is going to speak about what we are committed to he ought to figure the whole thing out, in order that the country may be posted, and not try to make a bugaboo of what we are committed to in the way of new projects. He should state the whole thing.

Mr. KENYON. My "bugaboo" comes from the speech of the acting chairman of the committee having this measure in charge. I took what he said in his speech, and that is what I have used. If the Senator figures that up, he will find it comes very close to $93,000,000, counting new projects.

Mr. RANSDELL. I will say we have never made estimates on river and harbor bills in that way. We make an appropriation for the current year in cash and in projects, and that is what we charge up to the bill. That is the system worked out when the Senator from Ohio was chairman of the committee, whenever we undertook a work which was to cost a very large sum, such, for instance, as the great work on the Ohio.

Let me refer to it again. They are pushing this Ohio improvement at the rate of about $5,000,000 a year. It will cost ultimately $63,000,000. It certainly would not be fair to charge the total cost of the Ohio River up to any one bill. That is not a fair way of stating river and harbor appropriations. The fair way, the legitimate way, is to state the actual cash carried in the bill plus the contracts which we authorize.

We went on for years with the Ohio on a 6-foot project and then changed it. Some of the projects which we are prosecuting now under the plans recommended by the engineers may be changed subsequently. They may become less expensive or more expensive.

Mr. KENYON. Everything that ever has happened in the past that seems to be wrong about river and harbor matters is suggested here as arising when the Senator from Ohio was chairman of the committee. He has good broad shoulders——

Mr. BURTON. If the Senator from Iowa will yield to me a moment I wish to call attention to that which I have repeatedly called attention to, that in the act of 1907, with few exceptions, such as the indeterminate nature of the work, no new project was taken up but what the provision was made for its completion. I most emphatically assert that is the only way in which to conduct a policy for river and harbor improvements. There were two or three that are apparently exceptions to that rule, but the general policy was adopted, and I most deeply regret that it has not been followed ever since, of courageously meeting the expense, however large it might be, and, in making an appropriation of $340,000, not having it appear in the bill that that was the total amount when the final expense must be for a million and a half; not including in the bill $200,000 when it meant $5,860,000, but setting it forth so that the country might know and that Congress might know what would be required to finish it. We decided that if we undertook any public work we would prosecute it to completion without any let or hindrance or reliance upon any later bill.

Mr. KENYON. So much has been said about the projects while the Senator was chairman of the committee of the House that I am going to diverge from a very interesting reading of those articles to a statement made in the House by a Congressman from my State, Col. Hepburn, relative to the work of the Senator from Ohio on that committee. I have so many ties of friendship with the Senator from Ohio that it grieves me to hear continually the flings that are made at him. Congressman Hepburn years ago was fighting the river and harbor bill in the House. I used to hear about it when I was a boy, and I admired the fight that he was making. He did not seem to have the same opinion of the chairman of the committee or of his work that some gentlemen on the other side of the Chamber now have. In the House, January 10, 1901, he said this, and I divert long enough to place it in the RECORD:

Mr. Chairman, I once said that I expected to live long enough to see a river and harbor bill carry $100,000,000. That was only a few years ago. We have got up to 60 per cent of my expectation. I expect to live—you go on as you are going, if the gentleman from Ohio [Mr. BURTON] can not assert himself, if we do not see a change in our rules, so the Committee on Rivers and Harbors may consist of one person, and that the gentleman from Ohio—I expect to see the time when we will have more than a hundred million dollars appropriated and authorized.

Right here let me suggest to you this method of authorization is subtle and perilous. Would the gentleman from Ohio, would he have permitted this bill to bear his name if the appropriation was for $60,000,000 direct and the $8,000,000 that will be borne by the sundry civil bill—$68,000,000? I take it he would not, and I take it that he would have been able to go further in the direction that he did go.

I do not suppose that I am telling any secrets—in fact it did not come to me as a secret—but that he did compel cutting off of $20,000,000 from this bill as it was originally drafted. The country should thank him for that. I say seriously, if we could put the responsibility on that gentleman I would be perfectly content to do it. We would have a river and harbor bill then that did not contain fads; we would have a river and harbor bill that was not filled with experiments; we would have a river and harbor bill that did not minister to the greed of localities and of individuals. It would be national in its character and would represent only those works that were of national character and that did give equality of blessings to all who contribute to the expense.

So that 13 years ago the old veteran, Col. Hepburn, who had fought this bill all the years he was in Congress, or nearly so, paid this great tribute to the Senator from Ohio.

If he saved $20,000,000 then, he has succeeded in saving nearly that much now; and whatever Senators in this Chamber may say, and whatever slurs may be cast upon him for past work on river and harbor bills, the country has confidence in the Senator from Ohio, and more so than ever since he has made this fight. If he were not in the Chamber, I would say some nice things about him. The Washington Herald says:

ECONOMY IN ORDER IN GOVERNMENT.

On motion of Mr. UNDERWOOD the National House has resolved to enforce the rule stopping the pay of Members absent without leave. The saving to the Treasury is estimated at $3,700 a day.

Well, every little helps, especially when we are threatened with new taxes because of the dwindling of customs revenue. However, Congress should save at the bung as well as at the spigot.

There's that $55,000,000 river and harbor bill, most of which is admitted to be sheer "pork." That waste should be stopped where it is. If the Democratic majority in Congress lacks the nerve to stop it, the President should veto it. The whole country would applaud.

Through a war none of their making the American people have been forced to all kinds of personal economies. The effects are felt in every household. There is no use wailing about it. We should instead try to increase income and reduce outgo.

The masses can not directly and immediately increase income, though they have just hopes of more work and wages if industrial and financial leadership rises to the emergency and grasps this gorgeous opportunity of enlarging the volume of national business. For the present the masses must reduce outgo.

The American voter has a right to expect that his own enforced economies will be assisted by every possible economy in government, State and city as well as national. And notable savings are possible in all of them.

Unless the temper of the American people is wholly misunderstood, the candidates who stand up quickly and efficiently for real economy in public expenditures are going to be the candidates who win in November.

The Washington Times of August 24, says:

WAR TAXES FOR PORK.

It is said on high authority among Democratic leaders that war-revenue measures are to be framed and passed which will not only provide for the deficit in national revenues due to the extraordinary financial conditions, but in addition will make a sufficient total to take care of the river and harbor pork barrel of this year.

Seemingly there is a strange determination to get this measure passed.

The present administration is not to be blamed, in fairness, for the insufficiency of revenues. No fiscal system on earth could have been suited to the conditions of peace and yet capable of readjusting itself to to-day's world-wide cataclysm. None has served that purpose. Every country confronts the same general problem that this country faces.

There must be extraordinary measures to meet extraordinary conditions. Nobody will find fault with that. But when extraordinary conditions are met with a proposal to impose special taxes in order to raise money for the pork barrel there will surely be protest, loud and insistent.

Let the leaders in Congress take account of to-day's public sentiment toward river and harbor appropriations; let them realize that the country is less patient about the pork's distribution than it ever was before. Let them understand that more is known and suspected about the real inwardness of these gratuities than in other years.

Even before the European war laid a wholly unexpected stress on the financial structure of this country, the notion of the pork barrel was getting repugnant. A real opposition had developed at both ends of the Capitol. Editorial opinion had been aroused to a striking and unprecedented extent in opposition to what was suddenly recognized as a good deal worse than a parliamentary joke.

It is no joke to have $50,000,000 or more chucked into a rat hole at any time; it is a mighty grave affair when national finances are as to-day. The administration can not afford to hitch on some extra taxes in order to meet such demands, and if it does so it will have to meet justified criticism at a time when it ought to have, because it ought to deserve the united support of the country.

The Denver News says:

RIVER AND HARBOR IMPROVEMENTS.

The publicity bureau of the National Rivers and Harbors Congress, with headquarters in Washington, D. C., is very active at this time in an effort to manufacture public sentiment in favor of the speedy pas-

sage of the pending rivers and harbors bill, which has been tied up more or less effectively in the Senate because of vigorous protest against certain "pork-barrel" features.

In most of its copy submitted for publication the writers for the bureau make a plea that times are beginning to grow hard in this country because of the European war, and that they will grow much harder if the rivers and harbors bill is not passed speedily. They cite various authorities to show that thousands of men employed on river and harbor work will be laid off soon if new appropriations are not speedily available.

A long list of river and harbor improvements for which additional appropriations are provided in the pending bill is then cited. There can be no doubt that most of these improvements are needed and that funds should be provided for them.

But why should millions of dollars be spent to "improve" rivers that will never be navigable for boats that draw more than a foot of water, in order that other millions may be spent for needed improvements of rivers that are already navigable? Why should the people of the entire United States be asked to contribute large sums of money every year in the form of alleged "river improvements," but in reality for no practical purpose than to improve the chances of reelection for the Congressmen where the alleged rivers are located?

The people of the country are not opposed to legitimate appropriations for the improvement of rivers and harbors that are of actual use to the commerce of the country. But they are vigorously opposed to appropriations for rivers that can never be navigated except by small skiffs and "John-boats."

The Rivers and Harbors Congress has done much good work for the improvement of the waterways of the country. But it will lose its influence unless it faces openly and honestly this campaign against "pork-barrel" methods in rivers and harbors appropriations.

The Washington Times of September 2 says:

"TRIMMING" NOT ENOUGH.

The program of trimming $20,000,000 off the river and harbor bill and then passing it is not creditable to any of the people backing that measure. Opponents of the pork barrel will do well to withhold approval from any such compromise.

It will not save the $20,000,000; it will merely postpone the day when it must actually be scraped out of the bottom of the Treasury.

What is needed now is a reform of the system. A pork barrel with only a single slice of pork in it, passed by Congress in a manner that recognizes and continues the old pork system, will be just as bad as a $50,000,000 mess of the fat.

Kill the bill because it represents a bad system; then reform the system.

I should think that would be true, if it were not that some of the projects here are absolutely essential, as it seems to me, to the people in the southern part of the country, on the Mississippi River. If it were not for that, I would be engaged in a filibuster against this bill from now until the next session; but I do feel that that is the one proposition down in Mississippi and New Orleans and in Louisiana that ought to be taken care of, and whatever others may think about it on this side of the Chamber, I shall help to provide for it.

River and harbor appropriations make profits for the rings of contractors who get the work to do. They reclaim private property at public expense. They play into the hands of the Water Power Trust. They improve harbors where not a foot of public wharfage is to be found, but where the shipping combinations dominate.

They don't bring commerce back to the rivers; the commerce has been and still is leaving the rivers.

All because the whole system has been wrong—persistently and perniciously wrong. Let the system be reorganized. To trim a river and harbor budget to-day and then forget the need of basic reform will be to sacrifice the real benefit of the airing that has been given to this system this year.

I have only a few more of these editorials, Mr. President. I wish now to read one from a paper published in the home of the distinguished Senator from Oregon [Mr. LANE], who spoke a few moments ago and, as he always does, dropped some nuggets of wisdom. If every man in public life had the courage and the independence and the sense of the Senator from Oregon, we should not have many troubles. While he is a Democrat, I hope he will stay in the Senate the remainder of his days. If I lived in Oregon I should always vote for him, as, if I were in New Jersey, I should always vote for the senior Senator from that State [Mr. MARTINE]. They are the kind of statesmen the country needs. Strength to them.

Mr. MARTINE of New Jersey. Mr. President, the Senator from Iowa is exceedingly complimentary and gracious, and I assure him that we appreciate it.

Mr. KENYON. The paper to which I refer, the Portland Oregonian, said on August 30, 1914:

HOPE NOT YET LOST.

Senator CHAMBERLAIN and Senator LANE are reported in a current news dispatch from Washington as "believing that the river and harbor bill will pass the Senate after the lopping off of some of the items, but that the retention of the Oregon projects is probable."

The New York Sun, one of the important eastern newspapers that vigorously opposed the bill in its present form, issues an appeal to President Wilson, Senator SIMMONS, and Representative UNDERWOOD to protect the Treasury by various economical measures. "The first action," says the Sun, "will be the amendment of the pending river and harbor bill by the exclusion from it of every appropriation except those for maintenance payments of projects now under contract, and for works recommended for military reasons."

President Wilson has pointedly declined to recommend to Congress that it pass the pending bill. He does not appear to be persuaded of its merit as a whole. Hasn't he heard from Portland?

But it appears now to be obvious that sentiment of the country will support a reasonable measure, excluding the pork. The amendment of the current bill is practicable.

If Senator LANE and Senator CHAMBERLAIN will shift their support of a bill, tainted with pork, that can not pass, to a modified measure that ought to pass, they will be commended at home.

The Detroit Tribune, in its issue of September 6, 1914, said:

There is some indication in Washington dispatches that the allies defending the wasteful rivers and harbors appropriation bill are being beaten back by the phalanx of economists in the Senate. Their line may be broken and the essential items in the bill be dispersed to find place in other appropriation measures. The extravagant and wasteful items, if the attack succeeds, will be numbered in the casualty lists as "killed or missing." There can be no doubt as to which side in this battle the taxpaying spectator on the side lines favors with his sympathy.

I commend that to the distinguished Senator from Michigan [Mr. SMITH], who has declared that there is not an item in this bill that should not pass.

The Boston Evening Transcript of September 8, 1914, has an article entitled "Senator BURTON's filibuster." That, I think, is a very unkind thing to say. The article reads as follows:

One must go back seven years to find a parallel for the notable filibuster which Senator THEODORE E. BURTON, of Ohio, is conducting against the thoroughly vicious Democratic rivers and harbors appropriation bill. Not since the late Senator Edward W. Carmack, of Tennessee, defeated the mail-subsidy shipping bill, in the closing hours of the Fifty-ninth Congress, has there been witnessed so notable a one-man fight against a bill in the United States Senate.

In the commencement of the discussion of this subject, the Senator from North Carolina [Mr. SIMMONS] declared that the Senator from Ohio [Mr. BURTON] was not conducting a filibuster, but said he was very suspicious of other Members on this side of the Chamber. In view of this article, I hope he will confine the accusation to the one Senator, if he is going to make it at all:

Carmack's fight, unlike that which BURTON is conducting, was against a measure which carried the indorsements and hopes of millions of Americans. If he had failed, the deplorable situation which to-day confronts the country, in a lack of a merchant marine, would have been avoided, for the shipping bill, designed to put the American flag back on the high seas, had passed the House of Representatives and had a clear majority in the Senate. There was only one way to beat it, and Carmack, one of the most brilliant debaters and speakers the upper House has ever known, chose that way. He talked it to death on March 3, 1907, and thus paved the way for Government-owned ships in 1914, a contingency which this Jeffersonian Democrat did not foresee, else would he not have taken his seat as preferring subsidy to paternalism? In the present instance the filibuster undoubtedly has the approval of the vast majority of the American people, for the $53,000,000 raid on the Treasury which Senator BURTON is trying to stop means a personal loss to every taxpayer in the country. The rules of the Senate, under which unlimited debate is permitted, which allow one man to hold up the business of the country just as long as he has the physical strength to keep the floor and continue speaking, are therefore a two-edged sword, cutting both ways. In one case they brought defeat to a patriotic program of commercial development, in the other they are enabling a wise and courageous man to hold up a shameful "pork barrel."

It is reported from Washington—

I do not know how much of truth there is in this—

that the Democratic leaders secretly hope to see the pending bill fail, in view of the prospective deficit in the Treasury, but that they prefer for political reasons to have the "odium" of the defeat rest upon the Republican Party. If this correctly states the attitude of the administration, it is but further evidence of how completely out of touch with public sentiment the Democratic leaders in Washington really are. This bill for river and harbor improvement is being condemned from Maine to California. The people believe it to be a piece of reckless extravagance at a time when the revenues of the Nation are at low ebb and additional taxation has been recommended by the President.

The latter part of this declaration is so eulogistic of the Senator from Ohio that I am sure he would desire to have it go out; so I will not read it.

Mr. BORAH. Mr. President, we have so much of our news censored lately, and we get so little of the real facts in regard to the war and everything else, that I wish the Senator would not censor the articles he is reading quite so much.

Mr. KENYON. I will say to the Senator that this proposes the Senator from Ohio as the candidate of the Republican Party for President, and possibly the Senator from Idaho would desire to have that censored. [Laughter.]

Mr. BORAH. I have read the article.

Mr. KENYON. As I desire to abbreviate my remarks, I ask to insert, without reading, several articles from various papers throughout the country.

The PRESIDING OFFICER. The Senator from Iowa asks unanimous consent to insert in the RECORD, without reading, certain articles from various papers. Is there objection? The Chair hears none, and it is so ordered.

The articles referred to are as follows:

[From the Cincinnati Commercial Tribune, September 6, 1914.]

PORK AND POWER.

The potential pork barrel will act as an important factor in securing the renomination of President Wilson and be even more potential in contributing to his certain defeat. The country was promised all sorts of economies and a business administration. The failure is notorious and lamentable.

In every direction, in almost every household, men and women are practicing rigid economy in efforts, which may be in vain, to make the

ends meet. Those in charge of the General Government have thrown money to the four winds of the earth. They will be held responsible, though President Wilson personally may not be the leading feature in the year of spendthriftism.

Talk is heard of war taxes in some form or other to meet unforeseen expenditures, and at the same time millions—millions on millions, it may be said—are being appropriated for the improvement of creeks without water and for post offices in villages where the voters can be numbered by the minutes on the face of the clock.

From the President down to Congressmen whose names have never been in the RECORD, not one is blameless. They have aimed at a continuation of power and have formed a circuit which will act just as effectually as it does in the chair of electrocution. They are doomed.

—

[From the Milwaukee Sentinel, September 4, 1914.]

CUT IT OUT.

"By cutting the 'pork' out of the rivers and harbors bill Congress will save many millions of dollars in appropriations and still pass a measure designed to meet the real needs of the country. It is not a task that calls for extraordinary knowledge. A little common honesty will suffice."—Democratic paper.

While discussing a "war tax" to be imposed on this country, which is not at war and has no prospect of going to war, Congress still proposes a "pork" bill for expending some $137,000,000 for alleged improvements in congressional districts.

Of course not all of those appropriations for local purposes can fairly be called "pork" But undoubtedly a great deal of them positively come under that designation.

The thing to do is to find out how much.

Therefore the resolution of Congressman FREAR, of Wisconsin, calling for an investigation under that head fits the emergency exactly.

This "pork" bill was denounced as a scandal in extravagance, even by some Democratic Congressmen, before this situation creating the possible need of a "war tax" arose.

The country is prepared for the extra tax to meet the customs situation, if necessary, and the burden, if fairly and equitably distributed, say, in the form of a small stamp tax, would be little felt.

But economy first.

That is what this Democratic administration and Congress is specifically pledged to give us.

One of the first things this Congress did give us, after its revenue-killing tariff performance and its disappointing national income-tax recourse, was this "pork" bill, which a Democratic Member had the honesty to condemn as a piece of extravagance that "cast completely in the shade" any similar performance by any Republican Congress.

This is not a year for loading the country up with an outrageous bill that is largely "pork" for Congressmen seeking to ingratiate themselves in "pork" fed constituencies.

So investigate the bill and cut out the "pork" with a strong and ruthless hand.

Let the Democrats try a little of that economy they are so glib about in their platforms. Then the country will be in a more receptive mood toward their "war-tax" arguments.

A Congress that proposes to throw away public money with one hand and reaches for the public pocket with the other does not appeal to us.

—

[From the Pittsburgh Dispatch, September 3, 1914.]

THE RIVERS BILL.

The rivers and harbors bill, as it was passed by the House, carried an aggregate appropriation of about $40,000,000. Some $13,000,000 more has been added in the Senate. Senator Burton and some others charge that about $12,000,000 of the total is "pork" and threaten to talk the bill to death rather than permit this raid on the Treasury to get through. Most of this amount, it is said, represents appropriations for creeks and streams in the South, which is not surprising. The southern Democrats, being in the saddle, are anxious to take advantage of their power to "do something" for their home districts as some northern and western Members have been in other years. But, with the administration confronted with the necessity of levying additional "war" taxes to the amount probably of $100,000,000 to make up the deficit in customs receipts, this is a poor time to distribute "pork." One-tenth of that deficit could be avoided by cutting out these purely political appropriations in the rivers and harbors bill. And it is a question whether the folks back home would not rather forego their slice of "pork" than be obliged to pay additional war taxes. The "improvement" of the local creek is a sentimental or deferred benefit, whereas the going down into one's pocket for increased prices on drinks, smokes, etc., strikes right home.

But one thing is certain, the rivers and harbors bill as a whole should not be killed. The provisions for the improvement of the Ohio, to which the Government is committed and which is the backbone of whatever system of river improvement the country is to have, and other items of similar recognized and undisputed importance should not be postponed. That would be like burning the house to get rid of the mice. Congress should have statesmanship enough and patriotism enough in this time of emergency to cut out the unnecessary and extravagant items and pass the bill reduced to the really essential items.

—

[From the Chicago Herald, September 6, 1914.]

WAR TAXES OR ECONOMY.

Owing to the decrease of imports and the consequent decrease of duties therefrom there has been much talk of "war taxes." The imposition of such taxes appears to be repugnant to the American press, which, almost unitedly, takes the stand that they will not be required if a program of strict economy governs our national expenditures.

Thus the Philadelphia Record says that "instead of new taxes, which could not fail to be unpopular, Congress should seek to make up any probable small deficit by economy in appropriations"; the Milwaukee Free Press advises that Congress "look to the pork barrel"; the Washington Times, agreeing with this, says, "this is no auspicious season for wasting a huge appropriation"; and the Cleveland Plain Dealer praises Senator BURTON for his work in pruning the river and harbor appropriation bill.

—

[From the Philadelphia Press, September 3, 1914.]

CUT OUT THE PORK IN RIVERS AND HARBORS BILL.

Hope is now entertained in Washington that a compromise may be effected whereby the rivers and harbors bill, pruned of its most objectionable items, may become a law by October 1. Senator BURTON and those of his colleagues who have conducted a filibuster against the bill as it passed the House are fighting only the "pork barrel" features of the measure.

No filibuster, indeed no argument, should have been necessary to cause the voluntary elimination of moneys appropriated for the alleged development of creeks and streams in the South which can make no pretensions to ever becoming navigable rivers. In one instance, in fact, it is gravely proposed to sink artesian wells for the purpose of providing water for the so-called "river."

In the face of enormously reduced revenues from customs and the projected war taxes to be imposed by the Federal Government, the Democratic leaders in Congress ought to have acted on their own initiative to withdraw the rivers and harbors bill and revise it so as to include only the appropriations required to continue the work which experience shows to be absolutely necessary.

Philadelphia has been forging ahead as an Atlantic seaport. Ocean commerce prior to the war was coming here as fast as docking accommodations could be provided for the ships. The deepening of the Delaware channel and keeping it clear was the duty of the Federal Government, and the results in growing customs receipts at this port have proved the wisdom of this well-directed expenditure. But since the rivers and harbors bill, with its objectionable features, has been held up in the Senate the appropriation has run out and the work of dredging has been suspended.

This jeopardizes much that has been done, as constant vigilance is necessary to prevent the gathering of the silt in the bed of the channel from which it has been removed. This example is the one that comes home to us in showing the evils that have resulted from insistence on the "pork barrel." No other community has better reason to hope that the plans for a compromise on the rivers and harbors bill will be quickly carried into effect.

—

[From the Indianapolis News September 4, 1914.]

PASSING ROUND THE PORK.

In a desperate effort to arouse sympathy supporters of the rivers and harbors bill—the pork barrel—are calling attention to the disasters which are certain to visit many communities should the $93,000,000 measure be defeated. In case continuing appropriations are not approved, it is said that on October 1, 29,000 men will lose their employment, that altogether 145,000 persons will be affected. Calamity will be direst along the Mississippi River, which has annually received thousands of dollars, and is not yet "improved." The idea is to work up local indignation, to inspire telegrams and letters, public resolutions, and petitions in favor of the bill. This scheme has worked before and will work again unless Congress is alert.

But in spite of this twilight rally it is said that the rivers and harbors bill will not be rushed through. It were well before it is passed, even in less extravagant form, to consider a resolution which Representative FREAR has introduced. Mr. FREAR knows more about the rivers and harbors graft than any other man in Congress, excepting, possible, Senator BURTON. Mr. FREAR'S idea is to have the Judiciary Committee scrutinize the present rivers and harbors bill and call into consultation certain Army engineers and others who are familiar with public "improvement" work now under way. One Government engineer is reported to have said that only one-half of 1 per cent of the present appropriation was "pork." But even so, this means a waste of $260,000. It is the opinion of Mr. FREAR and others that the "pork" is larger in bulk, as $260,000 would not go far when passed around among the hungry congressional districts.

Were it not for the greed of cities and States the pork barrel never would have grown to such bloated proportions. Primarily, the communities are responsible. If the "pork" Congressman is acting as a bribe giver, his constituents are simply bribe takers. Nor does the appropriation need to be a bald raid in order to be "pork." Appropriation bills may be extravagant without being actual steals. Useless or hasty improvements which call for the expenditure of government money without public return are as much "pork" as absolute gifts. For 40 years the Government has had no system in its river and harbor improvement work. It is time economy and regularity were introduced.

—

[From the Baltimore Sun, September 6, 1914.]

CUT OUT THE EXTRAVAGANCE.

One of two things should be done with the rivers and harbors bill—it should be entirely recast or it should be so amended as to strike out the extravagant and unwarranted items. It is a matter of common knowledge that there are many of these, and, so far as we know, nothing that can be considered a defense has been offered for them. Senator BURTON'S indictment of the bill in these particulars has never been answered, for the reason that it can not be answered. The thing that amazes the masses of the people at home is the stubborn determination to stick to appropriations that are clearly a misuse of the public money. This is all the more astonishing and disappointing because the Democratic majority in the Senate, as in the House, has done so well and has shown itself so strong and courageous with regard to nearly every other subject that has come before it.

Senator SIMMONS, of North Carolina, who is in charge of the bill, is quoted as follows in its defense:

"This measure has been framed along lines similar to those of other years. There is no more reason, therefore, for holding up this bill than there was for holding up any of the other big appropriation bills."

With due deference to the public knowledge and public services of the Senator, he does not touch the heart of the matter. If it be true that this bill is framed just as similar bills have been framed in the past, that is precisely the reason it should be held up until it is revised or amended. It has been a crying scandal for many years that rivers and harbors bills have been used as a cover and vehicle for political graft; that millions of the people's money have been appropriated in them for absolutely useless and wasteful purposes, and that the Public Treasury has been systematically raided to build up political fences and to strengthen Congressmen in their home districts. This has come to be known as pork-barrel legislation because of its hoggishness and greed. But it is not only hoggish; it is absolutely dishonest. And because Republicans have been in the habit of doing it, that is no reason why Democrats should follow their example. Senator SIMMONS'S defense, it appears to us, amounts to a confession, and unless he can answer convincingly Senator BURTON'S "bill of particulars" it is his duty and the duty of all other Democrats to cooperate in cutting out the objectionable and unjustifiable items.

[From the Portland Morning Oregonian, September 2, 1914.]

NOW PUT IT THROUGH.

The Oregonian modestly disclaims the immense influence with Congress and President Wilson the newspaper and other agitators for the pork barrel, hired and hopeful of being hired, would have the public think. The reason Congress has not passed the rivers and harbors bill, it seems, is that the Oregonian will not permit it.

Well, the Oregonian gives its sovereign consent. Now, let Congress and the President do the rest.

Yet it appears also that something will have to be done with Senator BURTON, Senator BORAH, Senator KENYON, and their colleagues who are determined that the proposed measure shall not pass. It does not help the situation to call Senator BORAH a "demagogue," nor to sneer at Senator BURTON and impugn his motives. That is something no Senator has done in the discussion of the pending bill, and we doubt if it has ever been done. Senator BORAH is not a demagogue, and calling him one is a bold and indecent performance. The public may be sure that Senator BORAH is moved in all his actions by a sense of duty, and he will not be bludgeoned by coarse newspaper or forensic criticism into any other position.

Meanwhile it is up to Congress to pass the rivers and harbors bill or a substitute that will protect the Columbia River and other Oregon projects. If Congress fails, Congress alone is to blame.

[From the New York Sun September 3, 1914.]

WHAT ANSWER?

Representative UNDERWOOD, the leader of the Democratic majority in the House, told his colleagues on Monday that they would probably be called on to consider emergency revenue measures within a fortnight, and that final adjournment of Congress might be looked for by the end of this month.

While Mr. UNDERWOOD was conveying this message to the Representatives, Senator SIMMONS announced that immediately on the passage of the Clayton bill he would call up the rivers and harbors appropriation bill, which, since it reached the Senate, has been delayed by a skillful filibuster led by Senator BURTON. It is freely predicted that this naked and shameless pork measure will be passed in practically the form in which it left the House.

This Nation therefore will have presented to it the spectacle of the Democratic majority in Congress enacting in one Chamber new tax laws for the purpose of raising money to overcome a deficit created by an existing international condition, while in the other it approves a wasteful and extravagant appropriation bill, loaded with pork, and concededly passable only on the ground that among its numerous indefensible paragraphs provision is made for a few essential projects. And these contradictory actions are to be taken by a political party which in 1912 declared:

"We denounce the profligate waste of the money wrung from the people by oppressive taxation through the lavish appropriations of recent Republican Congresses, which have kept taxes high and reduced the purchasing power of the people's toil.

"We demand a return to that simplicity and economy which befits a Democratic Government and a reduction in the number of useless offices, the salaries of which drain the substance of the people."

Elected to office on that comprehensive pledge to practice economy, the Democratic Party to-day designs an increase in taxes to cure a situation of which it has full knowledge, and at the same moment it purposes to put on the statute book a law which has already been pitilessly exposed as an example of the very "profligate waste" that two years was so bitterly denounced.

What will any Democratic candidate for Congress say in answer to a citizen who, in his campaign, reads to him those two sentences from the platform of 1912 and demands from him how that pledge has been observed?

[From the New York World, September 2, 1914.]

CUT OUT THE PORK.

By cutting the "pork" out of the rivers and harbors bill Congress will save many millions of dollars in appropriations and still pass a measure designed to meet the real needs of the country. It is not a task that calls for extraordinary knowledge. A little common honesty will suffice.

All that is needed is to separate the good from the bad items, to discriminate between the schemes of petty politicians to raid the National Treasury and improvements absolutely necessary at this time in carrying out the national policy of aiding navigation. Under the pretense of economy, to kill the bill outright would be to sacrifice in many cases millions of dollars already expended. If Congress decides that it has no choice except to pass a bad bill or none, it will prove unequal to the task that it faces.

In the circumstances the interests of this city are seriously affected. On the fate of one small item providing for the removal of the Coenties Reef depends the progress of the work on the new subway system. One of the new East River tunnels can not be built until the obstruction is removed, for if the tunnel were now put through the blasting of the East River reef later would involve the destruction of the tunnel. Even the rural statesman who wants his favorite creek bed deepened by the Federal Government must admit the unreasonableness of compelling New York City to suffer by making the completion of its costly subway system conditional upon his having his own way.

[From the New York Sun, September 1, 1914.]

HEADED THE RIGHT WAY.

That obese and impudent product of porcine enterprise, the river and harbor bill, is to suffer curtailment to the extent of $20,000,000 at the senatorial conference to-morrow, if the plans now under consideration at Washington are carried out. How powerful the opposition will be to the attack on the ancient privilege of graft is not revealed. It may be expected to show a terrifying front; among the possibilities is retaliation in the form of obstruction to the revised bill. Should this reach the point of defeating it, the essential appropriations might be made in another measure, which, under the circumstances, would meet the needs of the Nation and protect the pocketbooks of the taxpayers.

Better than the trimming of this particular bill, the contemplated action of the Democrats serves notice that they recognize the inadvisability of wasteful expenditures at this time. If they have been converted to economy and by the force of harsh circumstances compelled to make good in legislation their platform pledges of retrenchment, the country will be well served in an unexpected and welcome manner.

[From the Cleveland Plain Dealer, September 5, 1914.]

"PORK" AND THE NEED OF REVENUE.

President Wilson appeared before Congress yesterday and made a dignified, thoughtful appeal for legislation which shall supply additional revenue of $100,000,000 a year. The machinery of the House will immediately be set in motion to carry out the recommendation of the Chief Executive. The problem presented has no partisan angles; it is to be expected that minority will work with majority in perfecting the needful laws.

Meanwhile, Democratic Members of the Senate are working "under pressure and at high speed" to put through a river and harbor bill, which leaders of both parties know reeks with "pork" and violates every principle of sound appropriation.

Even if there had been excuse for the framing of a pork-barrel river bill earlier in the session, none now remains for its enactment. As a matter of fact, there was none in the first instance. The measure smelled of grab from the moment of its introduction in the House. Every step in its consideration has proved anew its iniquity.

Since then American imports, the backbone of the revenue system, have been crippled by foreign war. The need for economy in Government expenditure existing six months ago is magnified a hundredfold by incidents occurring since.

Were there any way the sober sense of the American people could be polled on this question at the present moment, we believe it would overwhelm senatorial backers of this "pork" measure. The fate of the bill ought not to be in doubt, even without such a direct test of sentiment.

The strength and good will of the Nation is behind the President in his request for more revenue. With equal certainty the public sense of decency would be outraged were this pending river bill to become a law.

[From the La Follette's Weekly, Madison, Wis., September 12, 1914.]

"PORK."

There has grown up in Congress a system of political graft known as the "pork barrel." Appropriation bills are framed up and passed providing for river and harbor and other "improvements." These appropriations, huge in the aggregate, are in effect raids on the National Treasury, with a view to strengthening the hold of favored Congressmen and Senators upon their constituencies.

To the wise and necessary appropriations are added millions of dollars of "pap." Public improvements are used as a cover under which, to use the expression of one politician, representatives "bring home the bacon." And this does not mean securing benefits for the people, but trading for special advantages primarily for prominent and powerful corporations and real estate concerns "back home." It is a vicious and corrupting manifestation of "pay-as-you-enter" politics.

There is pending in the Senate to-day a river and harbor appropriation bill that proposes one of the most colossal and appalling raids on the Nation's money chest ever perpetrated.

This bill has been passed in the House. Efforts were made to remove the obnoxious provisions. Congressman FREAR, from Wisconsin, made a splendid fight against this orgy of spoils, but without avail. His telling exposure of the iniquity of this bill met only with cheap and ribald witticisms from the majority organization. The barrel was made big and filled full by the spoils hungry and railroaded through with laughter and sallies.

It is now the unfinished business of the Senate. The caucus leaders have served notice that no other legislation will be permitted to come before that Chamber until the "pork-barrel" bill is put through.

This bill provides $53,000,000 in cash appropriations for the projects already authorized. New projects costing $40,000,000 more are approved.

Millions upon millions of this enormous sum are sheer waste. They are to be poured in a golden stream into remote dry creeks to the possible benefit of certain factories, fertilizer plants, and real estate projects, but of no possible value to the general public. Unanswerable objections to such items have been made, but to no effect.

President Wilson appeared before Congress last week and asked, reluctantly, that a $100,000,000 war tax be levied. Immediately it was pointed out that if all the "pork" in the river and harbor appropriation bill were stricken out there would be no necessity of levying such a heavy war tax upon the country.

Will this monstrous "pork barrel" go through in the face of the Baltimore platform pledging economy? Will the Senate pile this great burden on top of the $100,000,000 war tax? Perhaps that will be done, even before this reaches its readers. But will the President approve it? If he does not, he may make this an occasion for dealing a staggering blow at political "pork" and "pork-barrel" methods in Congress.

There is no defense, either in business or in morals, for this $93,000,000 appropriation.

ROBERT M. LA FOLLETTE.

Mr. KENYON. I only want to say in conclusion of this branch of the subject, that I have cited these articles only to show the sentiment of the country concerning this measure. The last one which I shall place in the RECORD is the article I referred to from the Senator from Wisconsin [Mr. LA FOLLETTE], who unfortunately is not here to lend the weight of his presence and argument to the fight against this bill; but I feel authorized to say that if his condition was such that he could be here on the firing line he would be here.

Mr. President, I want to turn to another branch of this matter. The Senator from Louisiana [Mr. RANSDELL] said that certain Senators wanted to destroy the river and harbor bill. I think we have answered that as well as we can. We do not want to destroy it; but we do want to change it. We are engaged in an effort to try to stop what appears to be wasteful extravagance and inexcusable expenditures. I have heard one Senator remark that we might as well "lay down" on this proposition because the bill will pass anyway. Perhaps, that is so. The Senator from Texas [Mr. SHEPPARD] has pictured most beautifully the siege of Lucknow and compared the people upon the Trinity River with the unfortunate people who were victims of that memorable seige, and how they were delighted——

Mr. BRYAN. Mr. President——

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

Mr. KENYON. Certainly.

Mr. BRYAN. Before the Senator goes to the Trinity River——

Mr. KENYON. I am not going to the Trinity River, I will say to the Senator.

Mr. BRYAN. Before the Senator travels in that direction——

Mr. KENYON. I have had all the travel in that direction that I want.

Mr. BRYAN. Well, before the Senator travels anywhere, then, since he has finished reading from the newspapers and magazines of the country upon the river and harbor bill——

Mr. KENYON. I have not read from any magazines.

Mr. BRYAN. The Senator some few weeks ago read from magazines. I desire to read to the Senator, so that he may comment upon it, a letter from the Second Assistant Postmaster General as to what it costs the country to transport through the mails newspapers and periodicals:

SEPTEMBER 3, 1914.

Hon. NATHAN P. BRYAN,
United States Senate.

MY DEAR SENATOR: Replying to your oral request, I have to say that the testimony submitted by the department to the Hughes Commission in 1911 was to the effect that the loss on transporting and handling matter of the second class for the year 1908—the year for which the estimate was originally made—was $57,165,532. We have not made an estimate in the same manner since. Below I give the weight of paid and free-in-county second-class matter for the several years:

	Pounds.
1908	746,405,427
1909	774,801,370
1910	873,412,077
1911	951,001,669
1912	997,957,986
1913	1,057,607,512

Since 1908 the department has in some respects changed its method of transporting and handling and therefore effected economies. It is probable that the cost per unit has decreased, but as the weights have increased so largely it is not probable that the aggregate loss has decreased but has probably increased some.

Sincerely, yours,

JOSEPH STEWART,
Second Assistant Postmaster General.

Mr. BORAH. Mr. President——

Mr. BRYAN. Just a word. The Hughes Commission of 1911 estimated that the cost of handling second-class mail matter was $0.0839 a pound, the charge being 1 cent a pound, except in the county of issue, where newspapers are delivered free. In 1913 in his report the Postmaster General estimates the cost of handling second-class matter at 6 cents per pound. Deducting from that the charge of 1 cent per pound we have therefore a net loss to the Government of 5 cents per pound upon second-class mail matter. Taking the year 1913, when, according to the Second Assistant Postmaster General, 1,057,607,512 pounds of second-class mail were transported, the loss to the Government was $52,880,375.60.

If this bill may be denounced as "pork barrel," what has the Senator from Iowa to say as to the privilege enjoyed by the newspapers who have criticized this bill and who are supported out of the taxes of the people to an amount equal to the amount carried by the bill as it was reported by the committee before being amended?

Mr. BORAH. Mr. President, I should like to ask the Senator from Florida a question.

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

Mr. KENYON. I do.

Mr. BORAH. As I understand, the Senator from Florida has presented figures which show that the Government of the United States is paying very much more for the transportation of second-class mail than it is realizing from the payment of postage on such matter.

Mr. BRYAN. It is paying more than it is spending on rivers and harbors.

Mr. BORAH. How much more will it cost this year, according to the Senator's estimate, to the Government over and above the amount which it realizes from the newspapers; in other words, how much are the newspapers making out of the second-class mail privilege?

Mr. BRYAN. They made in 1908, according to the Hughes commission, $57,165,532, or the Government lost that amount. The department says that the loss has probably increased some since that time, because the Senator will notice that there were only three-fourths of a billion pounds transported in 1908, while in 1913 there were over a billion pounds transported.

Mr. BORAH. Is the Senator in favor of remedying that by increasing the rate which the Government charges for carrying second-class matter?

Mr. BRYAN. I am; yes, sir.

Mr. BORAH. Has the Postmaster General recommended that change?

Mr. BRYAN. President Taft in 1911 recommended the doubling of the rate upon second-class mail matter. I may call the attention of the Senator from Iowa to the fact that some of the papers which are denouncing this bill appeared before the Hughes commission, by their attorneys and otherwise, to oppose an increase in the rates on second-class mail matter.

Mr. BORAH. Well, that, of course, is characteristic of everyone who deals with the Government.

Mr. BRYAN. Of course.

Mr. BORAH. But does the Senator think that the fact that this mail is being carried by the Government for less than it should be carried would in any wise justify a question as to whether or not those papers are actually reflecting opinions of their different constituencies?

Mr. BRYAN. No; I do not, Mr. President. Let me ask the Senator from Idaho if he expects to see in any editorial column of any newspaper or magazine an attack upon Congress for not raising the rates on second-class mail matter?

Mr. BORAH. No; not right away.

Mr. BRYAN. Or does he expect mention to be made of the fact that the taxpayers of this country are paying for the privilege of allowing second-class mail matter to be distributed as much as or more than they are paying for the improvement of our rivers and harbors?

Mr. BORAH. Well, Mr. President, I might agree with the Senator entirely as to the conclusions which he draws with reference to the undercharge upon the part of the Government; but, really, would the Senator contend that because we are losing there that we should also lose with reference to the river and harbor improvements?

Mr. BRYAN. Mr. President, I must be very dull if I can not make the Senator from Idaho understand that I have made no such complaint. I thought it was proper, inasmuch as these newspapers and magazines have criticized as indefensible, as "pork barrel," and have denounced in the severest terms the river and harbor bill because it carries an appropriation of $50,000,000, which they say must come out of the pockets of the people by a special tax levy, to call attention to the fact that they are withholding from the same people the fact that this year, and for many years in the past, they have been mulcted an equal amount for the benefit of the very papers making this charge.

Mr. BORAH. Well, the Senator will recall that some of the Senators who are now opposing the river and harbor bill were in favor of the proposition which Mr. Taft recommended to the Congress.

Mr. BRYAN. There was very little support lent to that movement, however, by the press of the country, was there not?

Mr. BORAH. Yes; the matter was dropped pretty quickly because of the fact that the public press was opposed to it.

Mr. BRYAN. The matter has been up for consideration since I have been a member of the Committee on Post Offices and Post Roads, and the argument has been made with great fervor that business has adjusted itself to these rates; that the people get the benefit of them; and that the educational value of the newspapers and periodicals is very great, notwithstanding the fact that one-half of the weight of some of the magazines is taken up by pure advertising matter. I thought it would be well to let the Senator from Iowa, while he was commenting on the waste of public money, have an opportunity to refer to this matter.

Mr. BORAH. I agree with the Senator from Florida that it is well to call attention to the fact of these enormous wastes wherever they occur. It is encouraging to those who are trying to stop it to persist more earnestly in stopping it in some places.

Mr. BRYAN. With that statement from the Senator from Idaho, I believe he would be rendering a greater service to his country to turn his guns upon a pure loss of money, because I apprehend even the Senator from Idaho will not claim that no benefit is derived from the improvement of the rivers and harbors of the country.

Mr. BORAH. No. On the other hand, I am thoroughly in favor of river and harbor improvement. I believe in it. I believe in it so much that I would have had free tolls through the Panama Canal, in order to keep alive all possible competition. I believe in keeping alive water competition as against railroad competition, but I maintain that we are starving the really good projects by loading down the bills with projects which never will be of any benefit to the people, which never will be of any value to them. We are postponing the day when the good projects will be completed and the people will realize anything from them; and for that reason, as a mere practical proposition, I would be in favor of trimming this bill.

I am not in favor of defeating this bill as a whole. I am naturally in favor of the proposition; but neither the Senator nor his posterity will live to see the time when some of these good projects are completed, by reason of the fact that they are being starved by the bad projects.

Mr. BURTON. Mr. President, will the Senator from Iowa yield to me?

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

Mr. KENYON. I do. Of course, I want an opportunity to answer the question of the Senator from Florida.

Mr. BURTON. It seems to me the argument made by the Senator from Florida is not characterized by the care and ability that he usually displays in his statements. Indeed, it seems to me singularly illogical. It is virtually to the effect that there is an excuse for extravagance and waste in a river and harbor bill because the newspapers and magazines of the country are obtaining from the Post Office Department a rate which is too low.

Let us see where that would lead us. It would lead us to the conclusion that because there was special privilege granted by the Government to any one branch of enterprise, or because there was extravagant expenditure in any direction, we should adopt it in all. It is a virtual statement that this river and harbor bill is all wrong, but those who criticize it are also wrong.

Mr. BRYAN. Mr. President——

Mr. BURTON. I want to repeat, it is a virtual admission that the pending bill is altogether wrong, but the proprietors of the newspapers who criticize it also are receiving rates from the Government that are unprofitable to the Post Office Department; and hence, with all its imperfections, this river and harbor bill is excusable.

Mr. BRYAN. Mr. President, can the Senator point to anything I said that would justify that statement on his part?

Mr. BURTON. Let us notice what was transpiring. There was a discussion of this river and harbor bill——

Mr. BRYAN. And the Senator from Iowa had read by the hour editorials from newspapers pointing out that these projects were indefensible and wrong, were a tax upon the people of the country without due return in value. Does the Senator think it was an admission that the river and harbor bill is indefensible for me to ask the Senator from Iowa, while he was showing how much the river and harbor bill cost, to show how much it cost the people of this country to carry the second-class mail matter—the newspapers and magazines—that are making the attack?

Mr. BURTON. If the argument had any force, it was to show that extravagance was common; that not only were there losses from the carrying of the mails, but that extravagance in another direction, namely, in rivers and harbors, was excusable on that account.

Let us notice what was transpiring, as I commenced to say a few minutes ago.

There was a discussion of this river and harbor bill. Its defects were forcibly pointed out by the Senator from Iowa; and without contradicting his statements, without questioning anything he said, without pointing out any error in any statement made by any newspaper, the Senator from Florida rose, and, under the plan of "the pot calling the kettle black," began to belabor the newspapers of the country. I should like to ask the Senator from Florida whether he has introduced any bill, or amendment to any bill, raising the rates paid by the newspapers on second-class matter?

Mr. BRYAN. No; I have not, Mr. President; and it is not at all necessary to do that. Each year the Post Office appropriation bill is before Congress, and the matter can be attended to there. I said, although, perhaps, the Senator from Ohio did not hear me, that an effort had been made since I had been on the committee and had failed. The Senator from Ohio has a bill pending to reduce the postage on first-class mail matter to 1 cent.

Mr. BURTON. Yes.

Mr. BRYAN. These gentlemen found their argument that first-class mail matter makes a return of 50 per cent profit, whereas there is a $57,000,000 loss in the handling of second-class mail matter, upon the statement that there would be no profit in the handling of first-class matter if it were not for the second-class matter, which gives rise to a great many letters.

Mr. BURTON. I am familiar with all those arguments. It is a question for discussion, deliberately and carefully, here in the Senate.

Mr. BRYAN. Let me ask the Senator whether he believes any good would be done or any result accomplished by introducing a bill doubling the rates on second-class matter?

Mr. BURTON. Of course, the policy of this Government is determined by the majority; and if the majority on that side favor it, it certainly would prevail.

Mr. BRYAN. The Senator's party was in the majority in 1912, when President Taft sent his communication to Congress submitting the report of the Hughes Commission.

Mr. BURTON. It was only in the majority in one branch of Congress. There was a discussion on the subject at one time on a Post Office appropriation bill. I have forgotten the year.

Mr. BRYAN. The President of the United States in 1912 submitted the report, urging upon Congress the increase of the rates. This was the final report of the Hughes Commission. They made their investigation extending back prior to 1911. Now, when the Senator's party was in power, did he succeed in having the rates on second-class matter raised?

Mr. BURTON. There was a discussion here at one time, and much difference of opinion, as I recall. The conclusion was to have a commission made up of men of marked ability, and men who were universally trusted, to make a report upon it. The Members of the Senate did not feel ready to pass upon that question.

Mr. BRYAN. What was known as the Hughes Commission, because Associate Justice Hughes of the United States Supreme Court was at the head of it, reported a loss of 7.39 cents a pound, on the average; and the Senator knows it was impossible then to secure a raise in the rates, as it is now. The Senator knows that it was because of the power of the newspapers and the magazines.

Mr. BURTON. Mr. President, I am not sure that such is the fact.

Mr. BRYAN. Well, what is the reason?

Mr. BURTON. Why, I suppose the reason is that the Post Office Committee brings before us no proposition looking to that end, and the matter has not come before the Senate for discussion. The initiative for a measure of that kind naturally would come from the Post Office Committee. I should like to ask the Senator from Florida if the Postmaster General has made any recommendation that the rate on second-class matter should be increased?

Mr. BRYAN. I will read the Senator what he says.

Mr. BURTON. If so, how recently?

Mr. BRYAN. In 1913; the last time he reported.

Mr. BURTON. December, 1913?

Mr. BRYAN. December 1, 1913:

> The commission created in 1911, under a joint resolution of Congress, to investigate the subject, found the cost of handling and transporting second-class matter, exclusive of certain expenditures regarding which exact information was not at hand, to be approximately 6 cents a pound.

Then he proceeds, on page 29 of the report, to ask for an increase in the rates upon second-class matter.

Mr. BURTON. Does he recommend a specific increase?

Mr. BRYAN. He recommends that the present rate be doubled.

Mr. NORRIS. Mr. President——

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

Mr. KENYON. I do.

Mr. NORRIS. I should like to suggest—I may be in error, but if I am the Senator from Florida can correct me—that we have a commission now investigating the subject that has not reported. I think the same commission that recently made a report on the carrying of mail by the railroads is authorized to investigate and report on the second-class mail matter proposition. Is not that right?

Mr. BRYAN. The Senator is correct.

Mr. NORRIS. So, as a matter of fact, this commission, composed in part of ex-Members of the Senate and of the House and of members of the Post Office Committee of the Senate and of the House, are investigating it, and I presume will report on the subject as soon as they have completed the investigation. They have been working on it now for some time.

Mr. BRYAN. The fact still remains that there is that loss of over $57,000,000 a year, and I imagine not a paper which the Senator from Iowa has read has ever even referred to the subject.

Mr. NORRIS. I presume that it is necessary not only for the commission to find that the law is wrong, or that the rate is too low, but to go into the subject sufficiently deep and thorough to determine what would be a proper remedy for whatever evil exists.

Mr. KENYON. Mr. President, I am very glad to have the opportunity of answering the Senator's question. His question, however, reminds me of the story of the little boy who was commissioned to take the stranger to church on Sunday morning. When the collection box came around the stranger dropped something in it, and the little boy put his hand over in the collection box. When they came out the little fellow said to the stranger: "I got a quarter out of it. How much did you get out of it?" [Laughter.]

Mr. BRYAN. The Senator from Iowa is always serious in his humor, and always humorous when he attempts to be serious.

Mr. KENYON. I think perhaps that is a very just criticism, though I never claimed to be humorous, and the Senator from Florida sometimes is. If what the Senator from Florida says is true, however—and I suppose it is; I have never made a study of the question—I shall be glad to vote with him for a measure that will correct the evil. There is not any reason why the people of this country should be taxed to carry mail matter for less than it costs the Government to carry it. The Senator is a member of the Post Office Committee. He is one of the most faithful Members of this body, and a man who——

Mr. BORAH. Mr. President——

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

Mr. KENYON. Just wait until I get through with this eulogy on the Senator from Florida, because I am very much in earnest about it. I have often heard it remarked, concerning the committee of which he is chairman, that if a claim gets by the Senator from Florida we can understand that it is all right, and I have never hesitated to vote for any claim that came through that committee. He is one of the real economists of the Senate, and I will vote to help remedy that situation in any way I can.

I now yield to the Senator from Idaho.

Mr. BORAH. Does not the Senator think there is a question that enters into this newspaper proposition with reference to the education of the citizen that does not enter into the question of river and harbor bills?

Mr. KENYON. Oh, I think so. A river and harbor bill is a good deal dryer subject.

Mr. BORAH. But, truly, one of the strong arguments in favor of the Government's generosity toward the magazines and newspapers is one of educating the citizen.

Mr. KENYON. I suppose so, but I do not believe it is the object of the magazines and newspapers entirely to educate the citizen.

Mr. BORAH. No; not entirely. But the magazines and the newspapers of this country in several instances have done a vast public service in the way of carrying information to the country and educating the people. There is scarcely a home in the country which these magazines, when they are very cheap, do not go into.

Mr. KENYON. That is true, of course. That is the other side of the argument, and that is strong, I suppose; but it is not strong enough to convince me that this condition should not be remedied.

Mr. BRYAN. Let us see what the Senator's President says about it.

Mr. BORAH. Whose President?

Mr. BRYAN. President Taft.

Mr. BORAH. Oh.

Mr. BRYAN (reading)—

> That newspapers and magazines have been potent agencies for the dissemination of public intelligence and have consequently borne a worthy part in the development of the country all must admit, but it is likewise true that the original purpose of Congress, in providing for them a subvention by way of nominal postal charges in consideration of their value as mediums of public information, ought not to prevent an increase, because they are now not only educational, but highly profitable.

Mr. BORAH. I do not understand that that——

Mr. BRYAN. There is profit in it. They are making money.

Mr. BORAH. Well, a school-teacher makes money, or else he would have to go out of business.

Mr. KENYON. Not very much of it.

Mr. BRYAN. And they make more than $57,000,000. Does the Senator from Idaho really believe they ought to be given that amount of money?

Mr. BORAH. No; I do not know that I do; but the mere statement of $57,000,000 does not itself seem conclusive to me, because if the returns are sufficient——

Mr. BRYAN. Oh, no; that is the loss.

Mr. BORAH. If the returns are sufficient in the way of disseminating knowledge among the people, that is very well expended.

Mr. BRYAN. That is the argument, Mr. President, that has made it impossible since I have been here to enforce either by a separate bill or on the regular appropriation bill a proposition to raise the amount. It was argued that on the ground of its educational value and the good influence among the people they can afford to pay fifty or sixty millions or whatever it costs.

Mr. BORAH. Is there any conceivable educational force or instrumentality which excels in worth and value the magazines and the newspapers of this country?

Mr. BRYAN. No; I presume not. I presume that is true.

Mr. BORAH. It is a part of the system of public education; and if it really has the effect of educating the citizens, a republic can not spend too much money in the education of the citizen and informing him as to public questions and matters of public concern.

Mr. KENYON. Does the Senator believe there would be any less circulation of the magazines if there were a higher rate?

Mr. BORAH. Oh, yes; I have no doubt about it; because we know that within the last two or three years some of our most valuable magazines have gone into insolvency, and have passed into the hands of those who could afford to expend their money, whether they were making money upon them or not, for an educational purpose. The Senator must bear in mind that there is an influence in this country which can send its magazines to the people whether it pays or not. It can afford to do so, because its magazines are serving a propaganda for certain issues and certain policies and certain teachings. There are newspapers and there are magazines which are devoted exclusively to educating the people along certain lines, along which I am unalterably opposed to seeing the people go. If the time ever comes—and in my judgment it is one of the serious questions presented in connection with this proposition—when it is necessary for the Government to make a donation in order that the magazines may go to the people carrying a propaganda different from that, the Government can expend money in no better way than in following out that propaganda.

Mr. KENYON. I agree with the Senator on that proposition.

Mr. BORAH. There are millions of dollars being expended now for sending out to the people of this country the doctrine the we have reached the time in the commercial industry of this country when monopolies must be permitted to exist and go on their way practically undisturbed. Those men can afford to put their money into the propaganda, and they are doing it. If I were going to take $57,000,000 out of the Treasury of the United States and use it for any purpose at all in the way of a loss, I would count it well expended to teach the doctrine that a monopoly is a continuing menace to republican institutions, and that you can no more regulate it than you can nurse and regulate a cancer in the human system.

Mr. BRYAN. But how about the papers that did not agree with the Senator's view? Would the Senator make the papers or magazines that did not agree with his view pay a rate that would be self-sustaining and let the others pay the present rate?

Mr. BORAH. Of course you must have a uniform rate. Of course you can not discriminate between magazines because they teach one doctrine or because they teach another; but I do know, if I am correctly informed, that a number of magazines which were what the people of the country have come to speak of as "uplift" magazines have passed out of the hands of those who were advocating such policies and into the hands of those who were advocating the opposite policies.

Mr. KENYON. Then what good has the reduced rate done them?

Mr. BORAH. It has enabled them to maintain themselves for a time; and, so far as I am concerned, I would put $57,000,000 more into the proposition if it were necessary to get the real facts to the people.

Mr. KENYON. We had better do something, then, to keep afloat the magazines which have not been able to live with the present rates.

Mr. BORAH. Whenever a dollar actually goes to the citizen, to his welfare and to his benefit, educationally or otherwise, I am not at all parsimonious about its leaving the Treasury of the United States; and if I can be shown that this money in the river and harbor bill is going to the public welfare, the mere fact that the bill carries $83,000,000 does not disturb me a particle.

Mr. KENYON. The Senator's colleague in the Senate some years ago, Mr. Heyburn, I think advocated sending the CONGRESSIONAL RECORD to every citizen free. He thought that would be a good way to enlighten them.

Mr. BORAH. I know that my former colleague advocated that proposition; and my former colleague advocated a great many things which it would have been very well for the coun-

try to have adopted. I do not know that the people of the United States would read the CONGRESSIONAL RECORD sufficiently to justify our sending it to them. My observation is that they do not read it very much, and perhaps they are justified in not reading it.

Mr. KENYON. Perhaps they have read it for a while, and then ceased.

Mr. BORAH. If the people felt an interest in it, if they really read it when it went to them, I would be in favor of sending it to them. I wish they could have the Senator's speech upon this question. I wish particularly every man and every woman in the United States could read the speech of the Senator from Ohio [Mr. BURTON] upon this question. Then we would have an intelligent public opinion as to this river and harbor bill. The people do not know anything abou. it. How are they going to get the information? You will only get this information to them by sending it out either in magazines or by means of the public record, one of the two. It is not a question of expending the money; the question is, What is the effect of the expenditure?

I know that the Senator from Iowa would not hesitate to vote for this bill if it were all for the public interest. It is not a question of $83,000,000.

Mr. KENYON. No; it is just a question of my belief about what is for the public interest.

Mr. BORAH. Yes; exactly. The Senator believes that there are a number of these projects that will never benefit anybody.

Mr. KENYON. Absolutely.

Mr. BORAH. And for that reason he is opposed to them; and that is the only reason why anybody upon this floor is opposed to them. Nobody is opposed to the river and harbor bill when properly made up.

Mr. FLETCHER. Mr. President——

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

Mr. KENYON. I yield.

Mr. FLETCHER. Under those circumstances, in view of the observation just made by the Senator from Idaho, would it not be fair to ask those who are opposing this legislation, preventing a vote on the bill, and standing in the way of its coming to any conclusion, to specify the items in the bill to which they object, so that the discussion may be somewhat narrowed down, not as against the bill itself but against the items which they, in their judgment, feel are improper and ought to be stricken out? Is it asking too much to ask that that line of discussion shall be followed as nearly as practicable?

Mr. KENYON. Not at all; and if the Senator had graced us with his presence he would have heard these things discussed. Is it asking too much of the Senator to ask him to stay here when we do discuss them? I have not observed him here before.

Mr. FLETCHER. I think the Senator's criticism is rather unfair. I have been here most of the time. There have been times when I have been absent on committee work and other work to which I have been obliged to attend.

Mr. KENYON. We have discussed a great many of these items and will discuss more, so I think at that time the Senator must have been out of the Chamber. I think he was the only Democrat who was away, however, during that discussion. [Laughter.]

Mr. FLETCHER. I am very much interested, I assure the Senator; and of course I expect to indulge in the luxury of reading the CONGRESSIONAL RECORD as soon as the Senator concludes, so that I can ascertain more definitely and precisely what he has been presenting.

I think my suggestion, broadly, is justified, however, by the discussion which has taken place heretofore. It has been rather general and against the whole bill—at least that is the impression that has gone out to the public—and the country seems to have been stirred, as it were, against the whole bill, as if the whole thing were a mistake and a wanton waste of public funds.

Mr. KENYON. I am very glad there is one person who will read the CONGRESSIONAL RECORD upon this subject.

Mr. NORRIS. Mr. President——

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

Mr. KENYON. I do.

Mr. NORRIS. It seems to me the suggestion of the Senator from Florida brings to mind an argument that ought to be convincing against the passage of a bill containing so many inexcusable items.

He says the country has the impression that the entire bill is wrong. Now, to a great extent that may be true. Of course, it is an erroneous impression, if they have it. As has been said so often, no one is opposed to the entire bill. Most of those who are opposing the bill as it stands are supporters of river and harbor legislation; but because of this system, by which so much bad has been put in with what is good, the impression goes out that it is all bad and an erroneous impression is received by a great many honest citizens. So it illustrates that, even if it is a good provision, it has the reputation of being bad because of its association in a bill that does have so much that is bad.

Mr. BORAH. It is like the story of Old Dog Tray.

Mr. NORRIS. Yes; it is like the story of Old Dog Tray.

Mr. KENYON. Now, Mr. President, if I may be permitted, I will go ahead with my observations. I think when this unfortunate interruption occurred I was discussing the siege of Lucknow; but that has gone out of my head at this time. The Senator from Texas [Mr. SHEPPARD] pictured in a very graphic style that scene, but I think if he had put the Treasury of the United States as a typical Lucknow the metaphor or simile, or whatever it is, would seem a little more felicitous. The Treasury of the United States needs to hear some kind of a slogan. While the unfortunate people of Lucknow were asking among themselves, "Dinna ye hear the slogan?"—and they did finally—so the Treasury of the United States is going to hear a slogan. That slogan is coming from the people who propose to rescue it, and that slogan is going to be that "A public dollar must be spent in this country with the same fidelity as a private dollar." When that does come, then we will have a relief of the Treasury that is fully equal to the relief of Lucknow.

I wish to take up now the case of economy. Mr. President, the Presidents of the United States have viewed with horror and amazement, as shown by their estimates and vetoes, river and harbor bills that carried $20,000,000; but they have grown and grown until we soon shall have yearly bills that will carry $100,000,000; and all the miserable system has been built up by logrolling, by getting appropriations for districts many times when they were not needed, with no cooperation or coordination between the States and the Government and the private interests that might be benefited.

If any business on the face of this earth had been carried on as the river and harbor appropriations have been carried on, that business would have been bankrupted in 30 days. Now, this country is presented with the proposition of levying taxes to make up a deficit in the Treasury. I am not very much of a partisan, and I do not want to say any harsh things about my Democratic friends. But the responsibility of this matter is with the Democratic Party. The Republicans have not been economical, nobody can claim that, but the Democrats—I hate to say anything about the Democrats when the Senator from New Jersey [Mr. MARTINE] is here; I wish he would go out in the cloakroom——

Mr. MARTINE of New Jersey. No; we are broad enough and big enough and strong enough——

The PRESIDING OFFICER rapped with his gavel.

Mr. MARTINE of New Jersey. I beg the pardon of the Chair.

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

Mr. KENYON. Always.

Mr. MARTINE of New Jersey. We are broad enough and big enough and strong enough to stand all the shafts that may be hurled against us. We are inured to it. We have been a number of years, as you know, the butt, the ridicule of—I will not refer to the Senator from Iowa, for he is so big and broad-minded that I could hardly class him as a partisan, but by the Republicans generally. We can stand it. We know our strength, and we know, too, our weaknesses.

Mr. KENYON. If I had any sword for the Senator from New Jersey, as the Senator from Illinois [Mr. LEWIS] suggested to the Senator from New Hampshire [Mr. GALLINGER], it would be tipped with a rose.

Mr. CHAMBERLAIN. May I interrupt the Senator from Iowa?

Mr. KENYON. Certainly.

Mr. CHAMBERLAIN. The Senator made one statement that I think was a little broader than the facts entirely warrant, and that is that there is no cooperation between any State and the Nation with reference to these expenditures.

Mr. KENYON. I think I should have excepted the Senator's State.

Mr. CHAMBERLAIN. I want to say that my city alone, and its tributary territory, has contributed over $5,000,000 to the improvement of the Columbia, and on the west coast one of the little municipalities has taxed itself to the extent of $40 per capita for the improvement of its harbor.

Mr. KENYON. I am glad to be corrected.

Mr. BURTON. If the Senator from Iowa will permit me, I will state that my own city of Cleveland cooperated to the extent of over $3,000,000 in maintaining the inner harbor, where most of the traffic is.

Mr. KENYON. These are exceptions to the general rule.

Mr. JONES. I wish to suggest that some time ago I called the attention of the Senator to the contribution made at Seattle connected with the project he was inquiring about. I also wish to say that nearly all the ports in the State of Washington where they desire improvements have organized what is termed a "port commission," which provides a method of assessing the community; and they have been contributing large sums of money toward the improvements which they desire. They are perfectly willing to contribute their part to assist the United States in making those improvements.

Mr. BURTON. If the Senator from Iowa will yield——

Mr. KENYON. Certainly.

Mr. BURTON. In justice to other localities I will state that the State of Massachusetts, in different portions, has contributed a considerable amount, and there have been scattering contributions in other portions of the country. The danger always is that Congress, attracted by an offer of a local contribution, will adopt an improvement which does not size up to the highest standard of merit

Mr. KENYON. Of course the few exceptions prove the rule. I think no one will deny that there is no organized system of cooperation and coordination in this country.

Mr. NORRIS. Mr. President——

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

Mr. KENYON. I yield.

Mr. NORRIS. I wish to inquire for information whether the cases mentioned by the Senators from Oregon, Washington, and Ohio, where cooperation took place in harbor improvements, were provided for by a law of Congress. How did it happen that the cooperation took place?

Mr. JONES. I will say with reference to Washington that in several cases Congress made appropriations conditioned upon certain things being done by the locality.

Mr. NORRIS. Did that apply to Seattle, for instance?

Mr. JONES. It applied to Seattle.

Mr. KENYON. And to Portland, Oreg.?

Mr. JONES. I can speak of my own State, at least. It applies to Seattle and also to Takoma. An appropriation was made on that condition at South Bend and at several different places. I think probably the action that I referred to on the part of different localities led to the passage of a State law for the formation of port commission districts.

Mr. NORRIS. I wondered whether that might not be a solution of the difficulty with which we are confronted. If the law provided that the State or the locality had to contribute something to the improvement and it applied to all instances, there would be a good many little creeks that are mentioned in this bill which never would be improved. It would be a guaranty that there would be no money expended in such cases, because the people of the community certainly would not invest anything in what they had no faith.

Mr. CHAMBERLAIN. May I interrupt the Senator from Iowa?

Mr. KENYON. Certainly.

Mr. CHAMBERLAIN. I may state that in my own State under legislative enactment they have created a district at the port of Coos Bay, for instance, at the port of Bandon, the port of Portland, the port of Tillamook, and each one of those is a separate taxing district, and each of those districts levies an annual tax. Our people contribute to these appropriations, and in many instances the Congress of the United States has imposed a condition that the Government shall appropriate so much money, provided these ports will contribute an equal amount. As I said a while ago, one of those districts has taxed itself to the extent of $40 per capita in order to assist in these improvements.

I make this statement merely to show that, so far as my State is concerned, it is not a pork-barrel proposition at all. The people have shown their faith by going down in their own pockets annually and levying a tax to assist the Government in this way.

Mr. NORRIS. If the Senator from Iowa will yield further, I wish to say to the Senator from Oregon that I have never heard any of the items in this bill relative to the State of Oregon criticized so far by any of those who are opposed to the bill. I think it is conceded that they are worthy provisions, but I want to get a little further information from the Senator. Has the condition the Senator mentions, a stipulation in the river and harbor bill passed by Congress which provides that a certain portion of the money must be raised by the local people, applied to all the harbors in Oregon?

Mr. CHAMBERLAIN. It has only been done in recent years. I think probably the suggestion came from the people themselves. Take Portland, Oreg., for instance. They appropriated $500,000 during this year to assist in the work at the mouth of the Columbia River. So the port of Tillamook contributed $207,000 for the improvement there and the Government contributed a like amount. But this movement has been only of recent growth. The port of Portland inaugurated it first in the State. It has been in existence I think for a good many years there, and they are contributing annually.

Mr. NORRIS. It certainly speaks very well for the enterprise of the people. I should like to ask the Senator whether in his State in those localities where they are compelled to contribute as he says there has been any complaint that such a condition was attached to the appropriation? Has there been any criticism of it?

Mr. CHAMBERLAIN. There has not been so far as my knowledge extends, but it is sometimes contended that inasmuch as the improvement is more than a local one, that it is not only national but international, the Government sometimes exacts more than it ought to impose upon a small community.

Mr. NORRIS. Of course that question would always arise as to just what proportion the Government ought to pay, and there might be cause for honest difference of opinion, but it does seem to me that it is not unfair to ask the State, or whatever may be selected as the proper geographical locality, to contribute a just proportion of the amount which might be determined upon. I am not an expert and I do not know about that; but they get the most of the benefit. It seems to me it is not unfair that they should contribute something and if that policy were followed in all these projects it would eliminate the unworthy ones automatically.

Mr. JONES. Mr. President——

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

Mr. KENYON. I do.

Mr. JONES. I will suggest to the Senator from Nebraska that in most cases in our State where contributions have been required there have been in addition to the improvements to navigation some special benefit that would come to a special locality or a special interest, and in such cases the contribution was made with the intention, to a certain extent, to balance or offset the special benefits that would come and for which it would not naturally be within the province of Congress to make appropriation. The pure design of navigation for purposes of commerce has been considered to be properly within the jurisdiction and the power of Congress, and where the result to a certain extent would be of special private benefit it was deemed very proper to impose some condition of that kind.

I will say to the Senator, and I think it is to the credit of the Senator from Ohio, that I know for a great number of years he has advocated the proposition of local contributions, and it was because of his view with reference to that matter that the proposition did come from some of the localities in the Pacific Coast States, especially in my State. Some of those conditions were placed upon bills of which the Senator from Ohio had charge.

Mr. NORRIS. I should like to ask the Senator from Washington if the people in the localities where these improvements have been made criticized that kind of a law?

Mr. JONES. They have not.

Mr. NORRIS. They have been satisfied with it?

Mr. JONES. They have been satisfied with it, and I think have been glad to avail themselves of it.

Mr. NORRIS. I should like to ask the Senator if the people of Seattle must contribute something toward the improvement of the harbor there, would it not follow for the same reason that the people of San Francisco should contribute something toward the improvement of the harbor there?

Mr. JONES. I think under similar conditions certainly.

Mr. NORRIS. Are the conditions not similar?

Mr. JONES. No. For instance, in Seattle there was a canal that was to be constructed connecting the harbor proper with a fresh-water lake, and great private benefit would result from it.

Mr. NORRIS. Private benefits will result in San Francisco, New York Philadelphia, or any other place.

Mr. JONES. But the Seattle improvement is on a little different basis from the general private benefits that come. The situation at Seattle, I confess, would be a little different from the improvement of the harbor of San Francisco, because at Seattle there was the construction of a canal to connect the harbor proper with a fresh-water lake, and that would result

very greatly to the improvement and increase in value of private property and be an advantage to special interests. I think it was very proper to impose the conditions that were imposed there. I will say that that locality has contributed about a million and a half toward this improvement.

Mr. NORRIS. And what did the Government contribute?

Mr. JONES. The Government has contributed nearly $3,000,000.

Mr. NORRIS. Taking the bill before us now, is it not a fact that, in almost all the items, when an appropriation is made it will increase the value of the property in that locality?

Mr. JONES. Certainly; I do not contend that it will not.

Mr. NORRIS. There will always be private gain.

Mr. JONES. Yes; there is no question about that. I think the policy of local contributions is a very wise one

Mr. NORRIS. I can easily see how in some cases the contribution ought to be larger than in others. I am not saying that there are not cases where there ought not to be contributions. I should like to adopt a broad national policy with regard to it. It seems to me we would almost be justified in attaching—at least, to all the appropriations about which there could be any question as to their not being national—a requirement that something should be contributed by the locality.

Mr. JONES. I think we could lay down some rule that would be pretty general in its application as a guide to engineers in submitting their reports, to submit along with their reports recommendations as to what contributions should be made in the localities. In fact, I rather think now that the engineers are required to make a report of that character. In my State when they report upon harbors I think they always submit a proposition for a local contribution if they think the locality should make it.

I do not think there is any general provision of law laying out a standard by which they should be governed. I think we could well do that.

Mr. NORRIS. Unless we had some standard, of course there would always be a contest in Congress as to whether anything should be contributed by the locality.

Mr. JONES. That is true.

Mr. NORRIS. I am speaking from memory; I will not name the particular item—I do not recall it just now—but I remember there is an appropriation in this bill where at least it was charged—I have no personal knowledge of it myself—that one particular improvement would benefit only one fertilizer company; that there was only a place for one dock, and it was owned by that fertilizer company, and they would get all the benefit. Conceding that it is desirable to give the fertilizer company the advantage of having connection with deep water, at the same time it seems to me that in justice we ought to require those who get practically the direct benefit to contribute something toward the development of the improvement.

Mr. JONES. I do not think there is any question about that. I will say we have an example in our State at Willapa Harbor, where the Government has already made an improvement, but before that improvement was begun the municipality was required to give a guaranty that certain bulkheads would be constructed at its expense and that provision should be made for the disposition of dredged material. That was done, that project was completed, and a new project was inaugurated. The engineers have made their examination and have made their report, and they have recommended a project which will cost, I think, about $300,000 or $400,000; but that must be on condition that the local interests will do certain work and contribute certain sums, which will amount to something like $143,000, in order for the work to go on, and the appropriation is made upon that express condition.

Mr. BURTON. Mr. President, if the Senator from Iowa [Mr. KENYON] will yield to me, the question about which there has been some discussion in the last 10 minutes is so important and interesting that, with his kind indulgence, I should like to express, briefly, some opinions upon the subject. It is one to which I have, perhaps, given more attention than to any other matter related to river and harbor improvements.

So long ago as the year 1896 there was a discussion in the House of Representatives in regard to requiring a contribution as a condition to the making of appropriations for river and harbor improvements. At that time the arguments pro and con were stated. The argument against contribution was that any river and harbor improvement should be distinctively national in its character and ought not to be undertaken at all unless a proper charge upon the National Treasury; that the result of a system of contribution would be that the wealthier and more advanced localities, or perhaps localities where a larger degree of personal or local benefit would accrue, would come forward and proffer a share, a half or whatever it might be, of the total cost, while other communities interested in improvements more helpful from the general standpoint would not be able to make such contributions. The Rivers and Harbors Committee of the House, however, from 1899 to 1907 did insist in quite a number of instances that improvements should not be appropriated for unless the communities contributed.

Following that policy laid down in those bills, the engineers have in many instances made reports that an improvement was not desirable unless there should be a certain contribution by the State or city or those in the locality. As stated, however, by the Senator from Washington [Mr. JONES], in many of those cases the improvement is partly of a public and partly of a private or local nature. I think there is a dividing line which should be made and insisted upon in all cases, that the Government should confine its work to a general channel, and that dredging or improving near to wharves should be undertaken by the owners of the abutting real estate or by the city interested in the improvement.

There is a very excellent illustration on the Great Lakes. The harbors of nearly all those cities are created by creeks or rivers running into the lakes. On those creeks or rivers wharves are constructed, many of them being provided with the finest loading or unloading machinery in the world, the best facilities for transfer from boat to rail and from rail to boat that can be found anywhere; also, furnaces and factories are located upon those streams. The General Government provides a channel from deep water to the mouth of the stream which empties into the lake; it usually erects two piers, or jetties, as they are sometimes called, from the mouth of the river out to deep water in the lake. Then, if it is necessary, the General Government constructs breakwaters in the lake near to the shore to provide an inclosed space or to facilitate the entrance of ships in times of storm. The municipality or private parties improve the river or creek, dredging it and widening it, and, of course, constructing the wharves upon its banks. That creates a dividing line.

In the city of Buffalo, Buffalo Creek, which constitutes the larger part of the inner harbor, is improved entirely by the city; in fact, the city of Buffalo was caring for the dredging between the piers that reach out to the lake until it was discovered by the River and Harbor Committee some 8 or 10 years ago, and, in fairness, I called attention to that fact and stated that I thought the Government ought to relieve the city of that burden, because it was an unusual one. At Ashtabula, Conneaut, Fairport, Cleveland, and Lorain, all important harbors, the major part of the traffic is handled on the river or creek which empties into the lake, and the improvements are made by the city.

On the other hand, the cities of Erie and Sandusky have natural harbors. Those are the only two towns on Lake Erie which have a natural harbor which is made up of an inclosed portion of the lake. In Chicago the Government does dredge the Chicago River, and at Duluth, on Lake Superior, dredges some interior channels; but those two cases are exceptional and are explained by reason of the fact that no sufficient harbor has been created in the lake outside.

The fact is, Mr. President, it is impossible to lay down any general rule; but I think this comes the nearest to an equitable regulation, that in those portions where the traffic is actually conducted upon an interior stream it is desirable that the city or local interest should take care of it. That rule, however, has been disregarded in so many cases that it seems hardly fair to enforce it.

I want to give another illustration. When a city is located at the head of a navigable stream, the proper division should be for the General Government to bring the channel to the limits of that city, and then let the city take care of it. The city of Richmond, in Virginia, is one of the best illustrations of that. It is an historical fact that those who were sent out by the Virginia Co. were instructed to go up the James River as far as they could go with a 60-ton boat and there found a city; that determined the location of the city. The rapid above was the very plain limit of the navigation of the river. For many years the Federal Government appropriated for the river, depending upon the city of Richmond or upon private parties to take care of the channel inside the city limits. I regret that that rule, which I regard as a salutary one, was departed from some years ago.

To recur to the cases where there has been a contribution the Senator from Washington named one in his own State, although by no means have the cases in which contribution has occurred been confined to those where the improvement was in the promotion of private interests—public spirit has

been shown in the State of Washington and in the State of Oregon in the way of contributing.

Another reason for these contributions has been that the locality was in a hurry to have the improvement completed. That occurred once at Philadelphia, where, I think, the city or the State contributed $500,000 to the promotion of the improvement in the Delaware. There is a partial list of these contributions in the reports of the Committee on Commerce on the river and harbor bill on pages 4 and 5. This list, however, does not seem to be by any means complete.

There is still another case a little along the line of the instance mentioned by the Senator from Washington, where there is an exceptional degree of local benefit. There is an item in this bill—and I shall call attention to it later—for the Cumberland River above Nashville.

Mr. KENYON. I assume this is a question the Senator is asking.

Mr. BURTON. To speak frankly, it is not a question, but as the other Senators have spoken on this subject, and it is one of extreme importance in the discussion of river and harbor legislation, I have taken the liberty to go on. I will not speak but a moment or two longer.

Mr. NORRIS. I think the Senator is answering a question. I asked the question myself, and the Senate is getting very valuable information in answer to it.

Mr. KENYON. I do not want any filibuster against the conclusion of my speech.

Mr. BURTON. I will not take much more time upon it. I will only mention one or two exceptional cases. In the case of the Cumberland River, in the first place, the local engineer reported against it. Then the district engineer in one of the reports recommended that it be undertaken by the Government, provided the States of Kentucky and Tennessee should pay half. I think that was fair. It is distinctly a local improvement. Let me take another——

Mr. NORRIS. I should like to ask the Senator a question before he leaves that matter.

Mr. BURTON. Kindly let me go on with this illustration. At an expenditure, I believe, of $3,600,000 the Federal Government along about 1896 acquired the locks and dams in the canalized Monongahela River. What was the result? First of all, tolls were removed. Second, the Government proceeded to rebuild practically every lock and dam. That made the navigation of the river much easier; made it possible of navigation for larger boats. What did that accomplish, Mr. President? Of course every improvement of that kind has a certain national phase and a national benefit; but, aside from that, this national expenditure raised the value of every acre of land anywhere near the Monongahela River. I do not believe there has been a more rapid accretion in real-estate values anywhere than in the coal lands on that river above Pittsburgh. They may have been worth from $50 to $150, but they rose in a few years, and much of this land came to be worth from $500 to $1,000 an acre. It was easier for the boats and barges to carry through coal, but I am advised it did not reduce the price of coal so much as a nickle.

Is it quite fair that in such a case as that, where all the lands in surrounding territory are increased in value and every coal-mine owner can raise his price, to put the whole burden of the improvement on the Federal Government? I do not think it is. It is perhaps invidious to select this illustration, but it is the one which first occurred to me. There are a great many more like it. I am convinced, Mr. President, that the outcome of this system of river and harbor improvement will be more and more toward contribution. That will secure good faith. The people who are coming here now and multiplying by 10 or 20 the probable traffic upon the rivers whose improvement they advocate, who are telling what enormous benefits will accrue to the Nation, how the Panama Canal will be filled with products of their sections if only the river in which they are interested is canalized, if you put to them the question, "Will you pay half the expense?" will lose their interest. Again, the benefits are in many cases so local that it is hardly fair for the Federal Government to pay the total expense.

Mr. NORRIS. Mr. President——

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

Mr. KENYON. I do.

Mr. NORRIS. I wanted to ask the Senator a while ago in regard to the Tennessee and Cumberland Rivers if the improvement made on those rivers was coupled with a condition of this kind?

Mr. BURTON. Not at all. There was no such condition.

Mr. NORRIS. I thought the Senator said something to that effect when the original project was undertaken.

Mr. BURTON. On the Tennessee River there were certain locks and dams which belonged to the State of Alabama at Muscle Shoals which were turned over to the Federal Government.

Mr. NORRIS. And the Federal Government paid for them?

Mr. BURTON. The Federal Government had granted land to the State of Alabama, the proceeds of which were probably sufficient to pay for the improvement, but as I understand it was originally a State improvement.

Mr. NORRIS. And there was no contribution?

Mr. BURTON. There was no contribution in the sense in which we are now speaking of that term.

Mr. KENYON. Mr. President, I am glad to be permitted to proceed now with the subject at the point where I was diverted. I wanted to take up and discuss for a little while the subject of economy with relation to this bill. It is interesting to observe that when in business or domestic life income is decreasing the general method of meeting that decrease is to cut down the outgo. The best way to economize is to cut down expenses.

Serious conditions have arisen in the world growing out of the great European war. We must feel the effect of those conditions, and we do. The talk of prosperity because of this war is not well based, because there can not be the loss of a million lives and the destruction of billions of dollars' worth of property without the effect being felt on this side of the water. Our Government is put to a strain; but the pocketbook of Uncle Sam must be kept full, or at least in good condition.

Our Democratic friends in their platforms have said much about economy. Of course economy is a good deal of a myth, but the psychology of the present situation is peculiar. I propose to prove, to my own satisfaction at least, that if it were not for the river and harbor bill and if from the money now available for river and harbor improvements the amount necessary to carry on continuing contracts were taken and the balance turned back to the Treasury of the United States—there was $45,000,000, in round numbers, available for river and harbor improvements on the 30th day of June, 1914—there would be no necessity of any war tax upon the people of this country, or at least only a very small one.

Very interesting speeches on this subject were made in the House on September 12 by Congressman FITZGERALD, of New York, chairman of the Appropriations Committee, and Congressman GILLETT, of Massachusetts, on the Republican side. As the figures are not disputed by anyone in the House, I accept them as correct.

According to Congressman GILLETT, the last Congress when all branches of the Government were controlled by the Republicans was the Sixty-first Congress. The appropriations made in the last session of that Congress for the year 1912 were $1,026,682,881.72. That was the "billion-dollar Congress." That Congress was denounced on the stump, it is denounced in the Democratic platform, it is denounced in the Democratic textbook, with some merit to the denunciation. During the present Congress, so far, the appropriations made at this session, exclusive of the river and harbor bill, amount to the sum of $1,089,408,777.26. If the river and harbor bill shall pass in the sum of $34,000,000—and I assume there must be some appropriation for the trade commission, with its numerous offices, which I assume must be a million dollars to carry on its work, and other appropriations which I do not figure, but which will be forthcoming——

Mr. SMITH of Michigan. The Colombian and Nicaraguan treaties.

Mr. KENYON. Yes; as my friend from Michigan suggests, the Colombian and Nicaraguan treaties, carrying how much?

Mr. SMITH of Michigan. Twenty-eight million dollars.

Mr. KENYON. Twenty-eight million dollars for the two?

Mr. SMITH of Michigan. Twenty-five million dollars for Colombia, to assuage her wounded feelings, and $3,000,000 to Nicaragua, for which this Government gets nothing.

Mr. KENYON. Neither of those bills has passed as yet.

Mr. SMITH of Michigan. No; but they are on the program, and if they can put them through they are going to do it.

Mr. KENYON. I assume that as long as the strength of voice of the Senator from Michigan lasts they will not go through.

Mr. SMITH of Michigan. If I am favored by Providence with as much strength as the Senator from Iowa discloses, I think they will have some trouble.

Mr. KENYON. I shall unite my supplications to Providence that the Senator's strength may hold out.

Mr. LEWIS. Mr. President——

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

Mr. KENYON. I am delighted to do so.

Mr. LEWIS. May I be permitted to ask the Senator from Michigan to whom he referred in his observation that "they would put them through"? Referring to the treaties with Nicaragua and Colombia, the able Senator from Michigan said that unless something happened "they would put them through," with their $28,000,000 appropriations. To whom did the Senator from Michigan refer as "they" in responding to the Senator from Iowa?

Mr. SMITH of Michigan. I referred to the administration in charge of the Government of the United States, the President of which has sent both those treaties to the Senate. The Secretary of State, representing the President, has urged their ratification. The only thing, thus far, that has prevented the ratification of these two treaties, or their favorable report to the Senate at least, is the absence of a quorum in the Committee on Foreign Relations. Providentially, there are not enough members here of the Foreign Relations Committee to inflict that wrong upon the country.

Mr. LEWIS. The Senator referred, then, to the entire administration and not to the Committee on Foreign Relations by the word "they"?

Mr. SMITH of Michigan. No; I referred to the administration, from President Wilson down.

Mr. LEWIS. Did the Senator comprehend, in that observation of his, that there might be upon this side approval of the treaty and yet not approval of the appropriation?

Mr. SMITH of Michigan. The Senator from Michigan is hopeful, but not confident.

Mr. KENYON. But the Senator from Illinois will observe that the Senator from Michigan calls Providence in to assist in this matter.

Mr. LEWIS. Conscious, as I am, of the great ability of the Senator from Michigan, I do not see why He should engage in such a superfluous task.

Mr. SMITH of Michigan. I do not think I have yet addressed myself to Providence, although I am relying somewhat on His valuable assistance. It is about the only thing that I can now conceive of that would interpose a serious objection to the program planned by the administration.

Mr. LEWIS. Of course I will admit that it is only the intervention of Providence that can save the party of our honorable friend from the desolation to which he referred, but I hope it will not interfere personally with him. He may rest assured of that.

I rose, however, in a more serious vein, really to ask my able friend from Michigan, when he put in the RECORD, as his remarks go forth with all the weight of his eminent position, the statement that "they" were carrying $28,000,000 for some treaty, to whom he referred. I now desire to say that I am sure there are many Senators on this side who, while they may favor the treaty, and may favor the purposes of the treaty, have individual opinions as to the question of making the appropriation; and that there is nothing on record, so far as I am aware, which would authorize the Senator from Iowa to accept it as a fixed fact that this side of the Chamber has pledged itself to pay $28,000,000 to the fund to which the able Senator from Michigan now refers.

Mr. KENYON. Mr. President, I will say to the Senator from Illinois that in my estimate of expenditures I am not including the amount suggested by the Senator from Michigan as being carried by those treaties.

Mr. SMITH of Michigan. No; but if the Senator from Iowa will permit me, the amount carried by both of those treaties has been taken into account in figuring the probable deficit in the Treasury and the necessity of an extraordinary personal tax upon the people in order to repair the Treasury.

Mr. LEWIS. Such would follow, I will say, if we did make the appropriation. A tax would have to follow in order to effect the appropriation.

Mr. SMITH of Michigan. But I am interested in the Senator's statement; and I should like to know if my friend from Illinois, whose position upon the other side of the Chamber is recognized as very important, is willing to say to the opponents of those two measures now struggling with a problem that looks very difficult of solution from our point of view that we can have his support in our opposition to those two treaties?

Mr. LEWIS. My answer is this: The treaties have not been submitted, so far as I am aware, to the Democratic side of the Chamber. I have not seen them, and I will not assume that I would be in favor of an appropriation the merits of which have not yet even been discussed. I will say very freely to the Senator that there is no presumption, from the mere fact that some administrative officer may recommend a proposal, that without regard to the merits of the recommendation this side would give its approval to it. The action of this side turns purely upon the question of justice and patriotism of a thing rather than a mere recommendation from any official source.

Mr. SMITH of Michigan. If it were simply the recommendation, I should feel that it would not get very far; but when it becomes part of the pronounced policy of the administration and their intention to force these two treaties before the Senate, it will become necessary for this side of the Chamber to rely upon the independent patriots upon the other side to help stay this wrong. Having known the Senator from Illinois for many years, having served with him in the other branch of Congress, and knowing his independence and fearlessness in the discharge of every public duty, I shall count upon him, when the time comes, to augment our scattering ranks with his powerful support.

Mr. LEWIS. Mr. President, while I appreciate the very flattering allusion of the able Senator from Michigan, I fear he is indulging in rather a gloomy view, and is taking to himself the unction of Shakespeare's observation, put in the mouth of Cassius, that—

> Since the affairs of men rest still uncertain,
> Let's reason with the worst that may befall.

On this side of the Chamber, as on the other, we reason for the best, and hope that virtue shall ever prevail.

Mr. SMITH of Michigan. The trouble is that Shakespeare has been disregarded as a basis of ministerial action, and "The New Freedom" is now the basis of our hopes and expectations.

Mr. JONES. Mr. President——

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

Mr. KENYON. I do.

Mr. JONES. I understood the Senator from Illinois to suggest, a moment ago, that even though we might perchance ratify these treaties we should not infer from that that the money would be appropriated.

Mr. LEWIS. No, Mr. President; the observation was that there may be on this side those who may favor the treaties in justice, but who may not be in favor of the appropriation referred to by the Senator from Michigan.

Mr. JONES. And yet, if we ratify the treaties, of course we must make the appropriations.

Mr. LEWIS. No doubt the Senator from Michigan means to intimate the very clear and logical fact that a treaty is an entirety or nothing; that we can not take part of the treaty and reject the rest; that the whole treaty carries with it the appropriation; and if we accept it in one respect we must accept it in all. That is the suggestion, is it not?

Mr. JONES. As I understand, this $25,000,000 in one instance and $3,000,000 in the other is a part of the treaty.

Mr. LEWIS. Yes.

Mr. JONES. Therefore its ratification would be followed by the appropriation as a matter of course—as a matter of national faith and contract.

Mr. LEWIS. Yes, Mr. President. I merely rose to say to the Senator from Michigan that in his assumption, which he had a right to indulge in view of what he knows has transpired before some committee of which he is a member, that we had already bound ourselves for $28,000,000, and in giving that item to the Senator from Iowa, upon which he may likewise make a calculation as to the future expenditures, the able Senator from Michigan mortgaged this side of the Chamber to a thing it had not yet considered.

Mr. SMITH of Michigan. No, Mr. President; I hope the Senator from Illinois will not charge me with attempting to mortgage that side of the Chamber. That side of the Chamber has mortgaged the country pretty heavily, but I have not attempted to mortgage that side of the Chamber. I do not know whether this money is to be paid out or not. I only know that the people who have been here all summer expecting to get it have already spent it, and if it should happen that a check were called to their plans it would be a very serious disarrangement of hopes and expectations on the part of our neighbors to the south which they have been encouraged by the administration to indulge.

Mr. LEWIS. Mr. President, I may say, without further interrupting the Senator from Iowa, that I have no knowledge of any of those facts; and if the facts were as the Senator seems to be impressed, that some private individual rests in anxious expectation of enjoying the funds of the Treasury, that would not move me nor any of my colleagues in the Senate, I am sure, to vote for the bounty.

Mr. SMITH of Michigan. Oh, certainly not; but I hope the Senator from Illinois, even in his present desperation, will not lend that construction to my compliments. I am talking about the expectations of foreigners who live beyond the borders of

our own country and who have remained in this Capital during the entire summer on the theory that their presence was necessary to carry away this $28,000,000 or more if it should be paid over by the Government. They are going to be seriously disappointed if they can not get it immediately. Now, my honored friend from Illinois will view this matter with his usual care, I know, when the time comes; and I am confidently hoping, as are other Senators upon this side, some of whom sit near me now, that our ranks may be reenforced from Illinois and other great States. If that course is taken, I feel very sure that the public sentiment now existing in those States will be answered in the attitude of the Senator from Illinois.

I am not an authority on the public sentiment in the State of Illinois, but I do not believe there is any great sentiment in favor of the ratification of either one of these treaties. I have been hopeful that the anesthetic which was handed out to them a few months ago would lull them into that rest from which there would be no awakening, at least until the Treasury of this country is more plethoric than it is at the present time.

Mr. LEWIS. I will say, Mr. President, speaking for myself, that I am not aware that the question has been brought before the public of Illinois; consequently I am unable to speak for the sentiment of Illinois upon these treaties. The only sentiment of Illinois I can speak concerning is the general sentiment that, ever alive to justice and to fairness, it will order its representatives to do that only which would be justified in this body or any other as a just and fair means before the Senate and the world.

Mr. KENYON. Mr. President, I think such an important matter as the river and harbor bill ought not to be delayed by such an inconsequential matter as the Senator advances here; and I will proceed with this more important subject.

I am not going to take into calculation the money that may be problematically spent on these treaties; but, leaving that out, we will have fairly $1,124,408,777.26, and unquestionably it will be more. That is nearly $100,000,000 more than was appropriated by the last Republican Congress, in 1912, for the year ending June 30, 1913.

Mr. JONES. Does the amount appropriated during the Republican administration include the river and harbor bill of that period?

Mr. KENYON. That includes the river and harbor bill—the $1,026,000,000. The total appropriations, excluding river and harbor acts, for the years 1911, 1912, 1913, 1914, and 1915 I wish to put in the RECORD; I exclude the river and harbor act because it makes a fair comparison: In 1911, $978,521,087.68; in 1912, $995,799,462.72; in 1913, $988,353,340.41; in 1914, $1,057,605,694.40; in 1915, $1,089,408,777.26.

During this year, as I understand the appropriation bills, there has been only one, exclusive of the pension bill which I will refer to, which has carried less appropriations than formerly, and that is the bill for the Military Academy at West Point. The pension expenses have decreased about $11,000,000 owing to the increasing death rate.

The chairman of the Appropriations Committee of the House said, with reference to this matter in his very able address of September 12, 1914:

We are living in a peculiar era. Heretofore States and localities have been jealous of their rights and powers, and the intrusion of the Federal Government and of Federal agents had been universally resented and vigorously resisted.

Lately, however, there seems to have been created a new and an entirely different political atmosphere. Instead of resisting the extension and enlargement of the activities of the Federal Government, they seem to be everywhere welcomed. It is rarely that anyone appears to realize that the Federal Treasury is replenished only by taxes collected from the people.

SOURCES OF REQUESTS FOR MONEY MULTIPLYING STARTLINGLY.

From every section of the country, from every business and industry, from the capitalist and the wage earner, flow incessant demands that the powers of the Federal Government be enlarged, that its activities be extended, that its agents be empowered to invade fields never contemplated by the founders of the Government; and these demands are based chiefly upon the desire to shift to the Federal Treasury burdens which properly belong elsewhere.

Unless intimately connected with the work of investigating the estimates for the support of the Federal Government, it is almost impossible for anyone to have any adequate conception of the magnitude of the work or to realize the extent of the pressure from every conceivable source for lavish grants from the Treasury.

The protection of the Treasury against the attempts to shift burdens properly belonging elsewhere is not a partisan matter. It requires the cooperation of men regardless of party, and it calls for courage and determination seldom appreciated by the public. Supplications of friends, threats of political oblivion, abuse from disappointed advocates, denunciation from unsuccessful pleaders must all be ignored and the welfare of the whole people and the true functions of the Federal Government alone considered in reaching conclusions.

In another speech by this same gentleman on the 10th day of April, 1914, he said:

Mr. Chairman, it may seem somewhat strange, but I hope it is not out of place, to remind Members on this side of the House that the Democratic platform pledged us in favor of economy and to the abolishment of useless offices; but it did not declare, Mr. Chairman, that the party favored economy at the expense of the Republicans and the abolition of useless offices in territory represented in this House by Republicans while favoring a different doctrine wherever a Democratic Representatives would be affected. In a few months I shall be called upon in the discharge of my official duties to review the record that this Democratic House shall have made in its authorization of the expenditure of the public money. Whenever I think of the horrible mess I shall be called upon to present to the country on behalf of the Democratic Party I am tempted to quit my place. I am looking now at Democrats who seem to take amusement in soliciting votes on the floor of this House to overturn the Committee on Appropriations in its efforts to carry out the pledges of the Democratic platform. They seem to take it to be a huge joke not to obey their platform and to make ridiculous the efforts of the members of our party who do try to live up to the promises they made to the people. * * * My colleagues upon this floor seem either to be so indifferent to a very perilous situation for our party, or else, which I do not wish to believe, have so far forsaken Democratic practices and Democratic principles as not to deserve to continue in control of this Government.

We charged the Republicans for 12 years of my service in the House under Republican administration with being grossly extravagant and reckless in the expenditure of the public money. I believed that charge to be true. I believed that my party, when placed in power, would demonstrate that the charges we had made in good faith were true. We are entitled to the help and to the support of the Members on this side of the House in honest efforts to carry out the pledges of the Democratic Party, and in our attempts to show that what we charged in order to get into power was true We have not had that support. Our Democratic colleagues have not given that support to us thus far during this session of Congress. They have voted against recommendations they should not have voted against. They have unnecessarily piled up the public expenditures until the Democratic Party is becoming the laughingstock of the country.

I appeal to them now before it is too late; I appeal to them now before we have gone beyond recall to stop the conduct of what they have been guilty. Do not continue to vote for these improper and improvident appropriations. Those who propose to continue to do so should at least have the courage openly to assert upon the floor of this House that they believe the professions of the Democratic Party have not been made in good faith, that they can not be carried out, and that we are not entitled to power because of those professions.

On the 3d day of September, 1914, when the river and harbor bill was being discussed before the Senate, the distinguished Senator from Mississippi [Mr. WILLIAMS] and the Senator from Michigan [Mr. SMITH] had this colloquy:

Mr. SMITH of Michigan. You will all be released then from the administration's program, and there will be nothing left unfinished on the calendar except the rivers and harbors bill.

Mr. WILLIAMS. That is part of the Democratic program.

Mr. President, here are these protestations of economy. Here is an opportunity to economize. The amount that was available in the Treasury of the United States on June 30 for river and harbor improvements is adequate; and more, I believe, than was expended last year. There was a balance unexpended on the 30th day of June of $45,338,653; there were outstanding liabilities of $3,865,754; there were uncompleted contracts or $23,007,119; leaving a balance available—if anyone here pays any attention to that; if no one here pays any attention to that, I hope the country will—of $22,638,411.

Now, how much is necessary to carry on these works so men would not be thrown out of employment? We have that information, too, from the War Department. A resolution was passed by the Senate asking from the Secretary of War the following information:

1. The aggregate amount required for the proper maintenance of existing river and harbor projects—after making allowance for balances on hand—for the fiscal year ending June 30, 1915.

2. The amount required for the operation of Government dredges, plants, and other equipment, for further improvements on river and harbor work heretofore adopted by Congress—after making allowance for balances on hand—for the fiscal year ending June 30, 1915.

The reply was:

(1) That the aggregate amount required for the proper maintenance of existing river and harbor improvements for the remainder of the fiscal year ending June 30, 1915—after making allowances for balances now on hand—is $2,750,000; and

(2) That the additional amount required for the operation of Government dredges, plants, and other equipment for the remainder of the fiscal year ending June 30, 1915, for further improvements on rivers and harbors heretofore adopted by Congress—after making allowances for balances now on hand—is $10,000,000; making a total for both purposes of $12,750,000.

The Senate and the House passed the sundry civil appropriation bill, which carried for river and harbor work $6,988,500, making, with the balance unexpended in June, $52,327,153. So if Congress should only provide, and I assume it can be done in a joint resolution, that this available balance of some $22,000,000 can be used on these projects, and possibly an appropriation to bring the $6,988,000 of the sundry civil bill up to the estimate of the Secretary of War of $12,750,000, this work will go on, and nobody need be thrown out of employment; and another river and harbor bill is to be passed, we are told, at the next session of Congress.

Mr. President, why is Congress not ready to do this? Why persist when this fund is available, amply sufficient under the document sent here by the Secretary of War to carry on this work? With the additional appropriation of $12,750,000, I can

not understand why men will not give the matter consideration. They will not. They will not listen to it, and they will not study it. In these times of emergency, when we have to pay a war tax if we do not stop it, you will not give it one bit of consideration. It is only a few months before Congress meets again, and the war will probably be over, and this money stringency and trouble that we are in will have passed. Then we can take up a river and harbor bill in a better condition for consideration.

Now, those are the facts. If you had a private business and had this balance on hand available in the Public Treasury, $22,000,000, outside of uncompleted contracts and outstanding liabilities, and your income was going down, do you not think you would try to piece out with that? That is what I mean; and I believe I have demonstrated that this war tax would not be necessary if we would do that thing. But you will not do it. You have your head set and the Senator from Michigan [Mr. SMITH] has his head set, too—not very hard, he tells me from the cloakroom—to put this bill through, which will mean taxes paid by the people of this country of nearly a dollar a head before you get through with it.

Mr. President, are we all mistaken now about economy? Are political parties mistaken about it? Are we all hypocritical about it? If we are, let us say so, and quit talking about economy and holding it up to the American people.

We have spent on rivers and harbors in this country outside of the Panama Canal $705,019,693.65. We spend more on rivers and harbors each year than it cost per year to run the Government up to 1850. In 1911 we spent $49,380,540; in 1912, $40,559,620; in 1913, 51,115,889; in 1914, $43,345,034; or in those last four years $184,401,083. And what have we for it? If that has been done only for the purpose of regulating freight rates, then it has been a very expensive regulation. If we have to spend money in digging canals and rivers to regulate railroads, it would be a good deal better for the Government to take the railroads and pay this money for the railroads.

There has been a decrease of traffic on these streams. The Mississippi has gone down 80 per cent in its traffic; the Ohio, 35 per cent. We have developed a dribbling policy as to our rivers and harbors, that has resulted in nothing but waste. I ought not to say "nothing but waste"; it has probably done some good, but a very large part of it has been waste.

Mr. President, I want to refer to some platforms in which our Democratic friends have preached the doctrine of economy. I want to refer to speeches briefly in which they have preached the doctrine of economy. In order to justify a plea for economy as to this bill, I shall first refer to two projects, intending at a later time to refer to many others.

Of course if these are all necessary projects for the public welfare, if they can not wait, then we ought not to spend much time thinking about the economy of the situation. Whatever is for the public welfare is for the best interests of all. I am going to take only these two items. One of them is in the State of the distinguished friend from Florida. It is a small appropriation for the Crystal River, Fla. I want to refer to the report of the Board of Engineers, the preliminary survey, and other matters suggested in the engineers' report. This project is considered in Document No. 4, first session of the Sixty-third Congress. Gen. Bixby, the Chief of Engineers, reports, in part, as follows—I shall not take the time to read the entire report, but only the material part:

The town of Crystal River is about 100 miles north of Tampa City and Harbor, and about 8 miles from the mouth of Crystal River itself, this mouth being about 3 miles from the 6 and 10 foot depth anchorages in the Gulf. At the time of the former investigation a channel 6 feet deep and 60 feet wide had been completed from Crystal River to the Gulf under the existing approved project; and the report published in the document above referred to was unfavorable for enlarging this channel to a depth of 8 feet and width of 100 feet. This 6-foot depth channel has somewhat deteriorated, and, moreover, there is no good basin for assemblage of boats near the town of Crystal River. A channel 8 feet deep and 60 feet wide, with an anchorage basin at the river mouth, is now desired by the interests concerned, who have submitted a proposition for cooperation in the work.

And further:

It is the opinion of the board, after giving careful consideration to the subject, that there is not sufficient commerce at present or in prospect to justify the General Government in increasing the depth of the channel to 8 feet, as desired by local interests, even on the basis of cooperation proposed by the community, and it therefore expresses the opinion that it is not advisable for the United States to undertake such work at the present time. I concur in the opinion of the board as to the 8-foot project, but I am of the opinion that the present adopted project is worthy of continuance and extension so as to provide for a thorough redredging to 6 feet depth and 60 feet width from the Gulf to the town of Crystal River and to provide for an anchorage and turning basin opposite the town, at a total cost of $10,000, in the manner covered by the report of the district engineer officer dated February 15, 1913, provided that the town of Crystal River or other local parties interested shall expend an equal amount in public wharf and other public terminal developments opposite the proposed turning basin, the $10,000 to be appropriated in a single sum.

Very respectfully,

W. H. BIXBY,
Chief of Engineers, United States Army.

The Board of Engineers has this to say:

Crystal River has a population of about 800. But little development has taken place in the country adjacent, and aside from the installation of a stone crushing plant which is turning out about 50 tons per day, most of which moves by rail, there has been no material change in conditions since the report now under review was submitted. There is still very little commerce by water and not a great deal by rail. The district officer states that he knows of no boats or barges that could be safely used in carrying rock between Crystal River and Tampa or other Gulf ports even if depths of 6, 8, or 12 feet were available.

It appears that the Joseph Dixon Crucible Co. has a modern mill for the manufacture of cedar into material for pencils, but this mill is not now in operation, and so far as information was obtained, there is no immediate prospect of resumption. A crate mill, which represents the principal active business of the place, has shipped about 500 to 600 tons of crate materials to the Manatee and Caloosahatchee Rivers. These shipments are now made by rail to Tampa and thence by water. The district officer states that if it were possible to place this material on boats and carry it without rehandling to its destination, a considerable saving could be effected, but vessels which would be suitable for the Gulf could not reach the points at which the freight is delivered. He does not believe that even if the Dixon Co.'s cedar mill resumes operation it will ship by water. He states that the agitation of those interested in the further improvement of the river is not based on any crying need of navigation, but is rather in the hope that if deep water were provided some material development would take place. He does not consider the locality worthy of further improvement, and in this view the division engineer concurs.

They further say:

Moreover, there is not sufficient business to justify the use of special boats, and the occasional call by a coastwise vessel would not tend to create any substantial business.

It is the opinion of the board, after giving careful consideration to the subject, that there is not sufficient commerce at present or in prospect to justify the United States in undertaking this improvement at an estimated cost of $30,000, even on the basis of cooperation proposed by the community. It therefore reports that in its opinion it is not advisable for the United States to undertake the work.

The district engineer makes report as follows:

In his preliminary report on an examination of this stream, Maj. Shunk, Corps of Engineers, reported the commerce for the year 1906 to be 8,291 tons, valued at $429,170.84. The annual reports of the Chief of Engineers give the commerce for years after 1906 as follows: 1907, 7,888 tons; 1908, 48,742 tons

Quite a substantial increase—

valued at $1,250,000; 1909, 33,860 tons, valued at $870,185—

A decrease.

Mr. NORRIS. Mr. President——

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

Mr. KENYON. I do.

Mr. NORRIS. Mr. President, if the Senator from Iowa will permit, I should like to make an inquiry of the Senator from Indiana [Mr. KERN]. The Senator from Iowa [Mr. KENYON] has been on his feet now ever since 11 o'clock, and I ask the Senator from Indiana if he does not think it would be proper at this time, it being half past 5 o'clock, to move an executive session, if he contemplates doing so?

Mr. KERN. It is the intention to have a short executive session in a few moments; but if the Senator from Iowa will yield to me a moment, I now desire to make a motion with reference to adjournment.

Mr. KENYON. I shall be glad to yield to the Senator from Indiana for that purpose.

Mr. KERN. I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. KERN. I shall move an executive session in a little while—at a quarter to 6 o'clock.

Mr. KENYON. Mr. President, in the report of George R. Spalding, as embodied in this general document——

Mr. BURTON. Mr. President will the Senator from Iowa permit an interruption?

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

Mr. KENYON. I do.

Mr. BURTON. I note that in the last report—that for 1913—this statement is made in regard to traffic on the river:

Only a few fishing boats and occasionally a raft of cedar logs navigate this river. There is no regular use made of the river for commercial purposes.

Mr. BRYAN. Mr. President, from what is the Senator from Ohio reading?

Mr. BURTON. I am reading from the Report of the Chief of Engineers for 1913—the last report, part 1, page 618. There is another singular feature about this project, that when the last report was filed there was a balance on hand unexpended of $4,000. It seems an appropriation was made by the river and harbor act of 1912 of $2,000, and another appropriation by the act of 1913 of $2,000, an equal amount, and the

balance unexpended July 1, 1913, was $4,000. I do not recall what is said in the report recently filed as to the balance on hand.

Mr. BRYAN. Mr. President, the memorandum furnished by the committee shows there was $4,000 on hand.

Mr. BURTON. Then there was $2,000 appropriated in each of those two bills, and the balance on hand June 30, 1913, was $4,000, and on June 30, 1914, it was $4,000; so that for something more than two years not a dollar was spent on this stream. It seems to me that it is rather unusual to have retained for so considerable a time a balance which would certainly be sufficient to do the necessary dredging, and then bring in a proposition here for an appropriation of $10,000, even if a turning basin or something of that kind were to be included.

Mr. KENYON. Mr. President, as the Senator from Ohio has referred to volume 1 of the report of the Chief of Engineers, I want also to refer to volume 2, page 2086, Report of the Chief of Engineers, United States Army, 1913, where it is stated that Congress has appropriated for this stream, on which there is no commerce, on June 13, 1902, $10,000; March 3, 1905, $15,000; March 3, 1909, $3,000; June 25, 1910, $2,000; July 25, 1912, $2,000; March 4, 1913, $2,000, or a total of $34,000.

In the same volume and on page 2086 of the report of the Chief of Engineers there occurs this:

> It was impossible to obtain detailed statistics of the commerce for the year 1912. Only a few fishing boats and occasional rafts of cedar logs now use this waterway. There is no regular commerce on the stream.

Mr. BRYAN. Mr. President——

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

Mr. KENYON. I do.

Mr. BRYAN. That seems to be almost a literal repetition of what is contained in volume 1.

Mr. KENYON. I will say to the Senator, it seems to be.

Mr. BRYAN. The Senator will notice that the survey was made on a proposition submitted by the town of Crystal River that it would raise $30,000 to provide wharves if the Government would appropriate $30,000 in order to obtain a channel 8 feet deep. The Board of Engineers and the district engineer reported against maintaining a depth of 8 feet, and also reported against maintaining a depth of 6 feet. The Chief of Engineers is of the opinion that there ought to be at least $10,000 spent, upon condition that the local interests spend an equal amount, not for the purpose of increasing the depth, but $10,000 is to be spent for redredging and getting it back to the depth originally maintained.

Now, I call the Senator's attention to the fact that this is an appropriation of $10,000 for redredging a channel that has filled up, upon condition that the local interests will contribute an equal amount. I call the Senator's attention also to the fact that before the channel had filled up there was a commerce there of $1,250,000.

Mr. KENYON. That is the value of the products shipped?

Mr. BRYAN. The value of the commerce in 1908 was $1,250,000. Now, can not the Senator see that it is easily within the range of the probabilities that the commerce and the mills which were there when this commerce was being maintained left because the channel was allowed to fill up? They had to go elsewhere because they could not get their products out.

Mr. BURTON. Mr. President, if the Senator from Florida will excuse me, how does he explain the fact that the $2,000 appropriated in 1912 and again in 1913 remain unutilized? There is another fact about it, which seems to me——

Mr. BRYAN. I, of course, do not know why they did not utilize it. I suppose, however, that $4,000 would not be enough to redredge the channel. That would be my supposition.

Mr. BURTON. If a situation of that kind exists——

Mr. BRYAN. Before the Senator proceeds, I want to say that it is true, as read by the Senator from Iowa, that in the report of the Chief of Engineers the statement is made that only a few fishing boats and a few rafts of cedar logs use the waterway, and that there is no commerce, which is contradicted by his report in Document No. 4, in which he shows that in 1908 the commerce was valued at $1,250,000, and even now, with the channel filled up, the commerce for 1913 was $253,700.

Mr. BURTON. Where are those figures obtained? They are not in the report.

Mr. BRYAN. They are contained in the report of the committee, memorandum, and index, which is on the desk of each Senator.

Mr. BURTON. It seems to me that that must be an error; it is not in the report of the Chief of Engineers.

Mr. BRYAN. Mr. President, I should like to continue my statement. The report of the committee shows that the total appropriations, as the Senator from Iowa gave them, amount to $34,000, and that there was an available balance on June 30, 1914, of $4,000. For that year 5,192 tons of commerce passed through the river, of the value of $253,700. So it can not be true that there is no commerce on the Crystal River, and the Chief of Engineers made a mistake one time or the other. I presume this report was made by him, or, perhaps, by some one for him, and he may have formally signed it; but certainly if the Chief of Engineers felt that way about it he would not have overruled the district engineer and Board of Engineers and consented that the channel ought to be redredged, so as to have 6 feet of water, and, in all probability, bring back the commerce that was lost because of the filling up of the channel.

Mr. KENYON. Mr. President, the Senator will remember the primary lesson in waterway transportation we had hung on the wall of the Senate Chamber for several weeks, but which is now gone. The same Chief of Engineers had delivered a speech, in which he practically stated that boats were not necessary for transportation on rivers. He may have had that in mind in the statement here.

Mr. BRYAN. I am discussing this particular case in Document No. 4, to which the Senator has referred, and I say that, with a commerce valued at $250,000, if the community would put up one-half of $20,000 to restore the channel, it is not unreasonable to suppose that commerce would come back. The commerce left because the channel filled up on account of the fact that the Government did not keep it open.

Mr. BURTON. I should like to ask the Senator from Iowa what is the date of that report, Document No. 4?

Mr. KENYON. July 21, 1913.

Mr. BURTON. I wish to call the attention of the Senator from Florida to the fact that the report for 1913, which was prepared after the close of the fiscal year and not published until the autumn, has this to say about this project, on page 618. I again refer to it.

Mr. BRYAN. The Senator has read that once.

Mr. BURTON. I have omitted some portions of it that are quite important. I did not read the whole of it.

> The project adopted June 13, 1902, which is the existing project, contemplates a channel 60 feet wide and 6 feet deep at mean low water of the gulf from the Gulf of Mexico to the town of Crystal River. * * * The amount expended on the work of the existing project up to the close of the fiscal year ending June 30, 1913, was $30,431.72. * * * The project is completed.

Now, this is the significant portion. This is transmitted to Congress later than this document, later than the report of the Chief of Engineers, and in the annual report——

Mr. BRYAN. What does the Senator——

Mr. BURTON. If the Senator will excuse me a minute, I will come to the main point.

Mr. BRYAN. I want to understand the Senator as he gets to it. What does the Senator mean when he says "document"? Does he refer to Document No. 4?

Mr. BURTON. Document No. 4.

Mr. KENYON. Document No. 4 of the Sixty-third Congress.

Mr. BURTON. This was transmitted to the Committee on Rivers and Harbors on the 21st day of July, 1913, in pursuance of a report, which seems to have been made November 3, 1910. This is one of those river and harbor documents which are somewhat exceptional in their nature. I will now read to the Senator the statement in this report, which should be the latest utterance of the Chief of Engineers and the Engineering Corps on the subject:

> The maximum draft that could be carried June 30, 1913, over the shoalest part of the locality under improvement was 6 feet at mean low water.
>
> The river is navigable, in fact, from the entrance to the town of Crystal River, a distance of 9 miles.

Apparently, at that time, the project was in proper shape.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on September 10, 1914, approved and signed the following joint resolution:

S. J. Res. 151. Joint resolution authorizing the President to accept an invitation to participate in an international exposition of sea-fishery industries.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented a memorial of sundry cigar manufacturers and dealers of Three Rivers, Mich., remonstrating against the proposed increase in the tax on cigars, which was referred to the Committee on Finance.

Mr. PERKINS presented memorials of sundry wine growers of San Francisco, Elk Grove, St. Helena, San Jose, Los Angeles, and Rutherford, all in the State of California, remonstrating against the proposed tax on wines, which were referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of San Francisco, Cal., remonstrating against the enactment of legislation to prohibit the use of the mails in procuring business for insurance companies in States in which they are not licensed, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Grange No. 14, Knights of Maccabees, of Pomona, Cal., praying for the enactment of legislation to provide pensions for civil-service employees, which was referred to the Committee on Civil Service and Retrenchment.

He also presented memorials of the local branches of the National Association of Letter Carriers of San Jose and Santa Barbara, in the State of California, remonstrating against the enactment of legislation providing for the appointment of assistant postmasters under civil-service rules, which were referred to the Committee on Post Offices and Post Roads.

Mr. POINDEXTER presented a petition of sundry citizens of North Yakima, Wash., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. PAGE presented a petition of sundry citizens of West Burke, Vt., praying for national prohibition, which was referred to the Committee on the Judiciary.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SHAFROTH:

A bill (S. 6487) granting an increase of pension to Minerva M. Walsh; and

A bill (S. 6488) granting an increase of pension to John M. Miller; to the Committee on Pensions.

EXECUTIVE SESSION.

Mr. STONE. Mr. President——

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

Mr. KENYON. I yield to the Senator from Missouri.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened, and (at 6 o'clock p. m., Tuesday, September 15, 1914) the Senate adjourned until to-morrow, Wednesday, September 16, 1914, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate September 15 (legislative day of September 5), 1914.

CONSUL GENERALS.

Carl Bailey Hurst, of the District of Columbia, now consul general at Barcelona, to be consul general of the United States of America at Antwerp, Belgium, vice Henry W. Diederich, nominated to be consul general at Barcelona.

Henry W. Diederich, of the District of Columbia, now consul general at Antwerp, to be consul general of the United States of America at Barcelona, Spain, vice Carl Bailey Hurst, nominated to be consul general at Antwerp.

CONFIRMATIONS.

Executive nominations confirmed by the Senate September 15 (legislative day of September 5), 1914.

UNITED STATES ATTORNEY.

Harvey A. Baker to be United States attorney for the district of Rhode Island.

ASSAYER IN CHARGE.

James E. Russell to be assayer in charge of the United States assay office at Deadwood, S. Dak.

REAPPOINTMENT IN THE ARMY.

INSPECTOR GENERAL'S DEPARTMENT.

Brig. Gen. Ernest A. Garlington to be inspector general, with the rank of brigadier general.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Augustus C. Macomb to be colonel.
Lieut. Col. Charles H. Grierson to be colonel.
Maj. De Rosey C. Cabell to be lieutenant colonel.
Maj. Farrand Sayre to be lieutenant colonel.
Maj. Grote Hutcheson to be lieutenant colonel.
Maj. George O. Cress to be lieutenant colonel.
Capt. John W. Furlong to be major.
Capt. Robert J. Fleming to be major.
Capt. Edwin B. Winans to be major.
Capt. William T. Johnston to be major.
Capt. Harold P. Howard to be major.
First Lieut. Kyle Rucker to be captain.
First Lieut. Ralph C. Caldwell to be captain.
First Lieut. George M. Lee to be captain.
First Lieut. Eben Swift, jr., to be captain.
First Lieut. Henry S. Terrell to be captain.
Second Lieut. William R. Henry to be first lieutenant.
Second Lieut. George F. Patten to be first lieutenant.
Second Lieut. Robert M. Cheney to be first lieutenant.
Second Lieut. Lawrence W. McIntosh to be first lieutenant.

POSTMASTERS.

KENTUCKY.

John B. Wathen, Lebanon.

OHIO.

Samuel A. Kinnear, Columbus.

REJECTION.

Executive nomination rejected by the Senate September 15 (legislative day of September 5), 1914.

Robert E. McBride to be postmaster at Red Cloud, Nebr.

HOUSE OF REPRESENTATIVES.

TUESDAY, *September 15, 1914.*

The House met at 12 o'clock noon.

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

Our Father in heaven, on earth, and in the hearts of men, as the world moves with unerring precision in its appointed course, giving to us day and night, seedtime and harvest, so may we as individuals and as a people press forward to larger achievements in all legitimate fields of endeavor and to greater attainments in wisdom, knowledge, and purity, inspired by that wisdom from above, which is first pure, then peaceable, gentle, and easy to be entreated, full of mercy and good fruits, without partiality, and without hypocrisy. For Thine is the kingdom, and the power, and the glory forever. Amen.

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

LEAVE OF ABSENCE.

The SPEAKER. The Chair lays before the House the following personal request:

The Clerk read as follows:

HOUSE OF REPRESENTATIVES, UNITED STATES,
WASHINGTON, D. C., *September 15, 1914.*

Hon. CHAMP CLARK,
Speaker, House of Representatives.

DEAR SIR: I would respectfully ask permission for leave of absence for 10 days, on account of illness.

Yours, respectfully, THOMAS C. THACHER.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

EXTENSION OF REMARKS.

Mr. MANN. Mr. Speaker, I ask leave to extend my remarks in the RECORD by inserting some matters relative to the representation in future Republican national conventions.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks leave to extend his remarks by inserting some matters touching representation in Republican national conventions. Is there objection?

There was no objection.

Mr. ADAIR. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of labor legislation.

The SPEAKER. The gentleman from Indiana [Mr. ADAIR] asks unanimous consent to extend his remarks in the RECORD on the subject of labor legislation. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of socialism and the Industrial Workers of the World.

The SPEAKER. The gentleman from Washington [Mr. JOHNSON] asks leave to extend his remarks on the subject of socialism and the Industrial Workers of the World. Is there objection?

There was no objection.

BANKING AND CURRENCY LEGISLATION.

Mr. TRIBBLE. Mr. Speaker, I ask unanimous consent to take up Senate bill 6398 for passage immediately after the reading of the Journal on Thursday of this week—next Thursday. This bill is an act passed by the Senate last Friday amending the national-bank laws, increasing the circulating notes based on commercial paper from 30 per cent to 75 per cent. The bill is now on the Speaker's desk.

The SPEAKER. Has not that bill been referred to the committee?

Mr. TRIBBLE. The bill has been referred to the Committee on Banking and Currency of the House, Mr. Speaker.

The SPEAKER. It is not on the Speaker's table, then.

Mr. TRIBBLE. It is here from the Senate. It has been passed by the Senate.

The SPEAKER. The Chair knows; but when it has been referred to the committee——

Mr. TRIBBLE. I will modify my request and ask unanimous consent, Mr. Speaker, that the Committee on Banking and Currency be discharged from further consideration of the bill, and that it be taken up for action on Thursday, immediately after the reading of the Journal.

The SPEAKER. What is the number of that bill?

Mr. TRIBBLE. S. 6398.

The SPEAKER. The gentleman from Georgia [Mr. TRIBBLE] asks unanimous consent to discharge the Committee on Banking and Currency from the consideration of Senate bill 6398, and to consider the same next Thursday, immediately after the reading of the Journal. Is there objection?

Mr. HENRY. Reserving the right to object, Mr. Speaker, I would like to have an explanation. I did not hear the gentleman's full statement.

Mr. TRIBBLE. Well, Mr. Speaker, the full explanation is this: Three months ago cotton in the South was bringing 14 cents a pound. There was not a man in the South nor anywhere else in the United States expecting this European war. It had cost the people of the South, the men who had produced that cotton, not less than 10 cents a pound to produce it. To-day there is absolutely no sale whatever for cotton anywhere in the United States. There is no price for it. And if this Congress is going to pass legislation seeking to relieve the depressed condition of the price on cotton, the time is at hand: the crisis is on us; and we should take action on this proposed legislation, and do so at once.

Mr. HENRY. Mr. Speaker, was this the amendment that was passed recently by the Senate, known as the Hoke Smith amendment?

Mr. TRIBBLE. Yes; that amendment is in the bill.

Mr. HENRY. Well, Mr. Speaker, this question involves a great many important interests of the South, and I think the amendment involves a great step in the direction of solving the difficulties, requiring careful consideration. Therefore I object.

Mr. TRIBBLE. Will the gentleman withhold his objection for a moment?

Mr. HENRY. I will reserve it for a moment.

Mr. TRIBBLE. The gentleman certainly will not object to taking a step that will help the South in regard to its crop of cotton?

Mr. HENRY. This is so important that the Committee on Banking and Currency ought to consider it very deliberately, and, therefore, I shall object.

Mr. TRIBBLE. Mr. Speaker, this is no time to wait on committees. So far as I know, the committee has not even considered this bill. It was considered several days ago by the Senate, and we can consider it right here on the floor of this House. The motion I make will leave the bill open to free discussion, and gentlemen will have full opportunity to amend it. If gentlemen think there is little merit in the bill, I know of no better way to get a good bill than to get one before the House and give the membership an opportunity to discuss this question and perfect the bill in the interest of the cotton farmers. I fail to see the wisdom of standing in the door and keeping the bill on the outside for an indefinite time. I will say to-day what I said last night in a cotton conference, and that is this, Mr. Chairman: It is time to let the cotton-growing States know what Congress is going to do. It is a great injustice to the farmer and the people of the Southern States to hold them in suspense. If Congress can not pass special legislation on this question, it is time to let our suffering people know the facts. I am pursuing the same course, in asking to consider this bill by unanimous consent, that was adopted when emergency bills were passed appropriating money for the relief of American citizens in Mexico and Europe. Mr. Chairman, the South confronts a real emergency. It is an emergency that appeals to me and it appeals to you for help. Are we powerless to give national assistance? If the majority of the Members of this House think no special legislation should be enacted, then, in the name of justice, let the people have this information. I have but one desire in this matter, and that is to help relieve the suffering that confronts us in the South. There are many kinds of bills and all kinds of theories. I am for anything that will help relieve the situation, and I make this motion for the purpose of bringing about action on the cotton question and to hasten the passage of this bill. I have pending a bill before the Currency Committee, and I will have an opportunity of getting that bill before this House by amendment, if this Senate bill is considered, and others will have the same privilege of amendment. I desire to reduce the rate of tax on circulating notes provided for this emergency to 1 per cent, and also to require the banks loaning same not to charge over 4 per cent. The section reads as follows:

SEC. 4. That it shall be the duty of the Secretary of the Treasury, under such rules and regulations as he may deem necessary, to provide that the notes to be issued by the banks shall be loaned by said banks as far as practical to the producers of cotton and agricultural products at a rate of interest not to exceed 4 per cent per annum, and preference shall be given those desiring to hold agricultural products for better prices during the depression of prices caused by the European war.

Mr. Speaker, I think I have sufficiently explained my reasons for urging consideration of this bill by unanimous consent.

The SPEAKER. The gentleman from Texas [Mr. HENRY] objects.

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

The SPEAKER. On this subject?

Mr. TRIBBLE. Yes; on this subject.

The SPEAKER. Is there objection?

There was no objection.

COTTON-WAREHOUSE LICENSES.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that on Thursday next Senate bill 6266, to authorize the Secretary of Agriculture to license cotton warehouses, and for other purposes, as amended by the Committee on Agriculture, shall be taken up for consideration and considered in Committee of the Whole House on the state of the Union, and that two hours' general debate shall be allowed for its discussion.

Mr. LINTHICUM. Mr. Speaker, I object.

The SPEAKER. The gentleman from Maryland [Mr. LINTHICUM] objects.

EXTENSION OF REMARKS.

Mr. CROSSER. Mr. Speaker, I ask unanimous consent to incorporate in the RECORD a statement from Congressman WARREN WORTH BAILEY on the subject of universal peace.

The SPEAKER. The gentleman from Ohio [Mr. CROSSER] asks unanimous consent to extend his remarks in the RECORD by the insertion of the statement named.

Mr. MANN. Mr. Speaker, we could not hear what they were.

The SPEAKER. The gentleman will please state it again, and lift his voice up.

Mr. CROSSER. It is an article by the Hon. WARREN WORTH BAILEY on the shortest road to universal peace. I think it is a very valuable article.

Mr. BORLAND. Reserving the right to object, Mr. Speaker, is that the Mr. BAILEY who is the present Member of the House?

Mr. CROSSER. Yes.

The SPEAKER. The gentleman from Ohio [Mr. CROSSER] asks unanimous consent to extend his remarks in the RECORD by printing an article by WARREN WORTH BAILEY, a Member of the House, entitled "The shortest road to peace." Is there objection?

Mr. MANN. If we can find it, we will take it. [Laughter.]

There was no objection.

THE DUTY OF AMERICA.

Mr. BURGESS. Mr. Speaker, I ask unanimous consent to address the House for seven minutes.

The SPEAKER. The gentleman from Texas [Mr. BURGESS] asks unanimous consent to address the House for seven minutes. Is there objection?

There was no objection.

"AMERICA'S MISSION."

Mr. BURGESS. Mr. Speaker, I am first a Texan, second an American, and third a Democrat. I am a Democrat because I believe the fundamental principles of Democracy conduce to make me a better American and a better Texan. I do not intend to discuss my Democracy or the glories of the State that gave me birth, but I wish for a brief time to discuss America. I am proud that I am an American. I believe profoundly that it was not an accident that Christopher Columbus discovered

America. I believe he was guided by Omnipotence, who saw that conditions in the Old World demanded the opening of a new breeding ground, to which might come the best from all the countries of the Old World and found here a new country, dedicated to liberty in its widest sense and sustained by a vigorous race of people produced under environments peculiarly susceptible to the production of the best race of people the world has ever known. I believe profoundly that step by step the hand of God has guided in this thing, and that here a people has arisen capable of influencing and that has influenced the course of liberty all over the world. That here a Government has been founded dedicated to that widest principle of liberty—the consent of the governed—and that, in the words of the immortal Lincoln, "It shall not perish from the earth." [Applause.]

If I speak of Japan, instantly there comes to mind the marvelous progress in recent years of this remarkable people, their adaptibility to the best everywhere; but at last one must think of a language and a blood that make the Japanese. If I say England, at once there rises to mind the wonderful history of this wonderful people. One must think of their laws, their literature, and of their religion, that have so much enriched us; but at last I think of a language and a blood that make the Englishman. If I say France, in my mind's eye I review their wonderful history, and the shadow of the great Napoleon falls across the channel of one's thoughts, and I think of their thrift, of the Code Napoleon, of the Bank of France; but at last one must think of a language and a blood that make the Frenchman. If I say Germany, there comes to my mind the valley of the Rhine, the music of the masters, the science, industry, and progress that has characterized this great people; but at last we must think of a language and a blood that make the German. If I say Russia, there comes rushing into one's mind the great extent of this country, the slow progress that it has made, and the mighty struggle for freedom that is going on there among the people, but at last I think of a language and a blood that make the Russian; and so on through the category of nations. In most of these cases there also comes to mind the evils of kings and emperors and the tyrannies of State religions, and the objections to classes in society. But when I say America, all this changes in a moment. Our language is but an incident of our development, and our blood is the most commingled in the world. Here we know neither kings nor emperors. We know no State religion, nor does this Government recognize any classes in society. It is founded upon the individual unit of society—the man.

Now, I have said all this briefly for the purpose of calling attention to the deplorable state of war which exists in Europe, and to the duty of the citizenship of America to maintain their proud position. It is but natural that one should sympathize with this or that country from which they came, and to which many ties bind them. This is but the call of the blood. I find myself vacillating continually between sympathy for England and sympathy for Germany. It is with me the call of the blood, for my ancestors came from both countries. But I would have every American to understand that this is America, "the land of the free and the home of the brave," the favored Nation of God, and I believe destined for all time to keep burning brightly the lamp of liberty.

I appeal to all the great newspapers of the country, as well as to writers and speakers, that they ought to be extremely careful in this European situation to utter no word, and, if possible, think no thought, which is contrary to or imperils this mission of America. [Applause.]

EXPLORATION FOR COAL, ETC.

The SPEAKER. Under the special rule the House resolves itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 16136, to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, with the gentleman from New York [Mr. FITZGERALD] in the chair. The gentleman from Tennessee [Mr. GARRETT] will take the chair until the gentleman from New York arrives.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, with Mr. GARRETT of Tennessee in the chair.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. JOHNSON of Washington. Mr. Chairman, before we leave the first section I would like to offer an amendment.

The CHAIRMAN. The first section has been passed.

Mr. JOHNSON of Washington. I ask unanimous consent to return to the first section.

The CHAIRMAN. The gentleman from Washington asks unanimous consent to return to the first section for the purpose of offering an amendment. Is there objection?

There was no objection.

The Clerk read as follows:

Amendment by Mr. JOHNSON of Washington:

"Page 1, line 5, after the word 'forests,' insert the words 'the Grand Canyon national monument, the Mount Olympus national monument.'"

Mr. JOHNSON of Washington. Mr. Chairman, this amendment makes this paragraph read in uniformity with the water-power bill passed recently. At that time statements were made fully covering the situation. I think it is unnecessary to say anything more.

Mr. FERRIS. Mr. Chairman, I think the committee will be glad to accept this amendment, which merely makes this bill conform to the water-power bill, and I know of no objection to it.

Mr. STAFFORD. Will the gentleman yield?

Mr. FERRIS. Yes.

Mr. STAFFORD. When the amendment was adopted incorporating the Grand Canyon of the Colorado in the water-power bill there were some Members who thought it went pretty far in including that wonderland of beauty. I can understand why you might want to make an exception as to water power, but when you come to include coal, phosphate, oil, gas, potassium, and sodium, I think there should be some hesitancy in adopting the amendment. Is there any good reason why we should open up these great national monuments, these national parks, to the invasion of the prospector for oil, coal, and other minerals?

Mr. FERRIS. I shall be glad to reply to the gentleman unless the gentleman from Washington [Mr. JOHNSON] wishes to do so.

Mr. JOHNSON of Washington. I am not especially informed as to the Grand Canyon. I am told that there is no likelihood of any of these particular minerals being found in the Grand Canyon. The Olympic monument, however, abounds in minerals, and probably contains coal and gas in quantities. In order to make the two leasing bills uniform and to prevent two very large areas from being left out of possible development, either by leasing or otherwise, both monuments are specifically referred to in the amendment.

Mr. STAFFORD. The gentleman from Arizona [Mr. HAYDEN] strongly emphasized the need of including the Grand Canyon in the water-power bill, because that was the only available water-power supply for Arizona.

Mr. FERRIS. That is the only water power it has.

Mr. STAFFORD. But that argument does not apply, so far as minerals are concerned, and I think we should go slowly in opening up the minerals of the Grand Canyon to exploitation by private parties.

Mr. HAYDEN. The gentleman does not realize how large the Grand Canyon national monument is. It contains about 800,000 acres. An oil well located in the Grand Canyon would be invisible from the brink. Any mining that took place there would in no sense mar the beauty or impair the grandeur of the canyon. As I have stated to the gentleman from Washington, I have no personal knowledge that any of these minerals exist in the Grand Canyon national monument. For that reason it may be immaterial whether it is included under the terms of this bill or not, but I can see no possible harm in adopting this amendment.

Mr. STAFFORD. I think the committee should not include the Grand Canyon of the Colorado within the purview of the bill. We should not open it up to prospectors.

Mr. HAYDEN. Has the gentleman ever seen the Grand Canyon?

Mr. STAFFORD. I have not been favored in seeing the Grand Canyon of the Colorado, but I have been fortunate enough to see the Yellowstone. I imagine it is more immense than the Yellowstone. It is a monument dedicated to all the people of this country, and why should we open it up to exploitation by private parties? The gentleman says there are no minerals there to his knowledge. Why should we include it? Why should we open it to development?

Mr. HAYDEN. Any mineral development in the Grand Canyon could not possibly interfere with its scenic beauty. The canyon is a mile deep and 14 miles wide. It extends along the Colorado River for 150 miles in that part of Arizona where this national monument is located. If the gentleman can suggest any way in which the adoption of this amendment would inter-

fere with the enjoyment by the public of the grandeur of the canyon, I will agree with him.

Mr. STAFFORD. Even though I have not had the good fortune to visit the Grand Canyon, nevertheless I would not care to see oil wells and pipe lines scattered over that scenic spot.

Mr. HAYDEN. If the gentleman had ever visited the Grand Canyon, he would not make that argument.

Mr. STAFFORD. I make the argument because I have been in similar places, like the Yellowstone, and I think we should not open up these natural monuments to such exploitation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. JOHNSON].

The amendment was agreed to.

The Clerk read as follows:

COAL.

SEC. 2. That coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, may, unless an offering, an application for offering, or an application for lease is pending hereunder, be acquired in accordance with the provisions of sections 2347 to 2352, inclusive, of the United States Revised Statutes, and acts amendatory thereof or supplemental thereto, or such lands or deposits may be leased, as hereinafter provided.

Mr. MONDELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Wyoming offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 9, after the word "hereunder," insert the words "at the time application to purchase as herein provided is made."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

Mr. TAYLOR of Colorado. Mr. Chairman, I should like to have the amendment reported again. We do not understand where it comes in.

The CHAIRMAN. If there be no objection, the Clerk will again report the amendment.

The Clerk read the amendment again.

Mr. MONDELL. Mr. Chairman, this section of the bill retains in operation the present coal-land law. It provides that purchases may be made under it except in case where an offering, an application for offering, or an application for lease is pending. My amendment is simply to perfect the text by inserting words which will make this provision apply providing an application or offering or an application for lease is not pending at the time the application to purchase is made. Without this amendment I think it would be very easy to defeat any application to purchase by making an application for an offering or making an application for a lease any time before the application to purchase was perfected. I assume it is the intention to allow the purchase providing the application to purchase is made before any of these other steps are taken.

But unless we make that clear it would be very easy, after application to purchase had been made and had been pending some time, but before it was acted upon, for some one to come in with an application to have the land offered or to lease in good faith, or not in good faith, and defeat the right to purchase.

Mr. FERRIS. Mr. Chairman, as I heard the amendment read I could not see any great harm in it, although I do not think it does any good, and I do not think it adds anything to the section. Certainly if the application for the land to be leased under this bill is pending no one under another law should be allowed to come in and buy the land from under the applicant.

Mr. MONDELL. Will the gentleman allow me?

Mr. FERRIS. Yes.

Mr. MONDELL. The gentleman knows that under the statutes we are retaining in force an application may be made to purchase, and the applicant has a limited time within which to make his purchase. Unless you definitely fix the date when his rights attach they do not attach until he completes his purchase. Unless that is made definite his right to purchase can be defeated any time prior to confirmation simply by making an application to lease or offering to lease.

Mr. FERRIS. Mr. Chairman, the gentleman's statement notwithstanding, I do not believe we can with safety accept this amendment. I will say that this section has been submitted to the careful consideration of the Bureau of Mines, to the careful consideration of the Geological Survey, to the careful consideration of the Secretary of the Interior, and in each case they think it does precisely what it intends to do—leave the two laws in operation without interference. The Public Lands Committee spent several weeks in hearings, which took 800 or 1,000 pages of testimony, and they also think that it will do what it intends to do. I will read the language:

That coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, may, unless an offering, an application for offering, or an application for lease is pending hereunder, be acquired in accordance with the provisions of sections 2347 to 2352, inclusive, of the United States Revised Statutes and acts amendatory thereof or supplemental thereto or such lands or deposits may be leased, as hereinafter provided.

My second thought is, and I think it is better than the first one, that if the applicant's lease for the tract is still pending no one should be allowed to slide in under him and purchase.

Mr. MONDELL. My amendment would not allow that.

Mr. FERRIS. To adopt the gentleman's amendment would be to adopt one of limitation to the extent of nonworkability. I hope it will be rejected. It is quite dangerous to add far-reaching amendments that have not been considered either by the committee or the department.

Mr. MANN. Mr. Chairman, I would like to get a little information or explanation in regard to section 2. I notice that the report of the committee makes this statement:

Under the law of 1873 little effort was made to protect the public interest or the rights of the public, and through lack of classification immense areas of coal lands were acquired by individuals and corporations through more or less fraudulent means.

As I read section 2 it permits anyone to make an application under the law of 1873 for these lands.

Mr. FERRIS. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. I do not think the gentleman has the correct version of that. We have regulations in conjunction by which it shall be appraised and sold.

Mr. MANN. It makes no difference what the later land laws are. The law of 1873 is the one carried in the Revised Statutes, and section 2 of this bill eliminates all recent laws and expressly provides that coal lands or deposits of coal, and so forth, may be acquired in accordance with the provisions of section 2347 to 2352, inclusive, of the Revised Statutes. That is the law of 1873. All of these recent laws on the subject will not operate, because you expressly provide in section 2 of the bill that anyone may acquire these coal lands under the old provisions of the Revised Statutes.

Mr. FERRIS. Will the gentleman yield again?

Mr. MANN. I will.

Mr. FERRIS. Prior to 1873 coal and oil and water power was homesteaded and passed into private ownership as agricultural lands did. Under the act of 1873 and acts amendatory thereto they sell it pursuant to appraisal in tracts of 160 acres, and so forth. Now, the necessity of buying lands in tracts of 160 or 640 acres would not induce men with large means to invest, but the committee thought, in the interest of municipalities and cities, it was necessary to allow smaller areas to be sold, and it was on that idea that we left the two laws together to operate, and we think there will be no conflict under them, and the department thought so.

Mr. MANN. Departments are sometimes in error. I do not claim they are in error here, for I do not know. The Government has withdrawn large areas of coal lands from entry. This bill proposes to turn these all back for entry under the provisions of the Revised Statutes. Is not that correct?

Mr. FERRIS. No; it is not correct. The land that is now subject to sale at $10 an acre within the 15-mile limit of the railroads and $20 an acre outside of the 15-mile limit will still go on as it is.

Mr. MANN. I still do not comprehend the situation. This section expressly provides that all coal lands of the United States, exclusive of Alaska, are subject to entry under the provisions of these old sections of the Revised Statutes.

Mr. LENROOT. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. LENROOT. Under the present law the gentleman speaks of, as rapidly as classified, although withdrawn, they are subject to this law of 1873?

Mr. MANN. Yes; but this does not make them subject to any classification of recent law. It does not even provide reference to these sections as amended.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MANN. Yes.

Mr. TAYLOR of Colorado. The gentleman does not contend, does he, that the power of classification is taken away by this bill?

Mr. MANN. Well, I do not know anything about that.

Mr. TAYLOR of Colorado. We have no idea that the power or authority of the Interior Department to classify this land is taken away in this bill, and it does not apply to nor take away the power of the President to withdraw and keep it withdrawn. Our thought is that it only applies to land that is restored and is classified, and the land that is classified, as we complain in the West, at such a high figure that nobody will buy it.

Mr. MANN. The provisions of the Revised Statutes authorize the taking of this land at $10 an acre in certain cases, or at not less than $10 an acre, and in certain cases at not less than $20 an acre.

Mr. TAYLOR of Colorado. It is subject to classification.

Mr. MANN. If this is enacted into law, it will override any action of the President in regard to withdrawal. This section expressly provides that all of these coal lands may be acquired in accordance with the provisions of these sections of the Revised Statutes. How are you going to get around it?

Mr. FERRIS. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FERRIS. The regulations issued under the act of 1873, the coal-land law, provide, in addition to the minimum price fixed in the statute, that there shall be classification and appraisement, and that that appraisement and that classification only comes as fast as the lands are restored. The $10 an acre price within the 15-mile limit, and the $20 an acre outside of the 15-mile limit, a regulation issued in addition thereto, brings the appraisement at their actual value, and the gentleman from Colorado [Mr. TAYLOR], and many others in the West, say they have soared the price so high that they can not even buy it. I do not know what the facts are. I am not familiar with that. That is their contention, but in any event, under the old law they can ask for the land as much as they think it is worth. The prescribed price of $10 or $20 per acre is only a minimum price.

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

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MANN. Of course, Mr. Chairman, I expect to take the judgment of the committee, who know more about this matter than I do, but it seemed to me that it was not properly guarded. There can be no question that it gives to the individual seeking the land the choice of which method he will take.

Mr. FERRIS. That is true.

Mr. MANN. Of course the individual will take the method which he thinks is most profitable to him. The Government has no control over it at all.

Mr. FERRIS. They have control over the classification and appraisement when the sale occurs, and they have control over the offering in the lease plan, so the Government is safeguarded in each instance.

Mr. MANN. If the Government offers all of these coal lands at once, then of course there would be no choice. A man could not take it under the provisions of the Revised Statutes, and if the Government does not offer all of these lands at once, the individual seeking the land, or the corporation seeking the deposits, will make the application according to which they think will be for their interests, and not for the interest of the Government.

Mr. FERRIS. That is true, but that is as it should be. The Government will protect the public interest.

Mr. MANN. It seems to me we ought to give the Government some protection in the matter. You throw all of the land open to entry under the existing law, or under the old Revised Statutes, and give those seeking the coal lands the choice whether they will take the land and pay for it directly or whether they will bid and pay a royalty. I do not see how the western gentlemen can complain about that.

Mr. TAYLOR of Colorado. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. TAYLOR of Colorado. My thought is that the land is classified so high that nobody will buy it, and the companies that will open the land will always take a lease, and therefore the land does not go into private ownership, and does not go on the tax roll, and does not become a part of the assets of the county.

Mr. MANN. The theory of my friend from Colorado is that the Government has made such an improper classification that this provision is of no benefit.

Mr. TAYLOR of Colorado. That is what I say.

Mr. MANN. I understand, but we are not disposed to think, at least I am not, that the Government in classifying this property has put an exorbitant price upon it.

Mr. SELDOMRIDGE. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. SELDOMRIDGE. Will not the fact that the records of the Land Office show a decrease in purchases of coal lands in the section sought to be reserved demonstrate that the price has been fixed too high?

Mr. MANN. Well, I do not think so. There is more coal being mined out there now than there was ever before, or rather there was more coal being mined out there while we had prosperity in the country than ever before; it may be a little short just now. I do not see why we should give the choice under this old law. We have been endeavoring to protect. Now, I would like to ask the gentleman, have these sections of the Revised Statutes been amended?

Mr. FERRIS. I do not think they have been except by regulation. They have been made applicable to Alaska and some other acts of that sort, but I do not think they have been amended except by the issuance of new regulations. Mr. Chairman, the committee is always glad to have suggestions from the gentleman from Illinois [Mr. MANN], and I confess at first blush it would look as if the two laws should not be left traveling along the same route, but we had that in mind and I called the attention of the committee to the three departments that were presumed to know about these matters, to ascertain what they think about them, and I think the committee would be glad to hear what the departments say about it under a memorandum which was sent me last Saurday. It is in point; it is in reference to section 2:

> One reason why the bill provides that existing coal-land laws shall continue in force is that there are many hundreds of coal claims already initiated under the old laws by opening of mines upon the land or by filing of declaratory statements. Under the law coal land which has not been surveyed can not be entered until surveyed, but a citizen may go upon such lands, open a mine of coal, and obtain a preference right to enter within 90 days after survey. Another reason for continuing the laws in force is that it will give an opportunity of choice to the citizen, who can either buy or lease, at his option. It is generally believed that coal operators will prefer to lease, but it was thought that those who prefer to obtain a smaller area under existing laws of purchase should be accorded an opportunity so to do. There will be absolutely no conflict, because the lands will be subject to either sale or lease to the first applicant until same shall have been specifically offered for lease or covered by a pending application; after that time they will not be subject to purchase. The records of the land offices will show the status of the same, and if anyone tries to enter after the lands have been offered or actually leased the subsequent applicant will be rejected, as is the case under existing law for conflict with the prior claim. In other words, it will be simply a question of priority, a rule entirely familiar to all public-land claimants.

Now, the Geological Survey, in a letter I have here, which I will not take the time to read, coincides with the view of the Secretary's office. In a letter which I have from the Bureau of Mines, signed by Acting Director George Ashley, Dr. Holmes being away, the writer coincides with that view, and it was the thought of the committee, after the widest sort of examination and after the most extensive hearings, to leave the two laws, and I actually believe it will be workable, and that there will not be any conflict, and that it will accomplish what the committee and the House desire to accomplish in the development of the coal lands in the West.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Page 2, line 6, after the word "that," insert the word "unreserved."

Mr. MONDELL. Mr. Chairman, the gentleman from Illinois is entirely correct. If this section is adopted in the form in which it is the bill, and any applicant can ever get into the courts, he can unquestionably set aside a classification of coal lands and enter at the minimum price. Let me call the attention of the committee to this important fact. There has been no coal-land legislation since the acts of 1870, which are here reenacted. The matter of classification is a matter of departmental regulation. The department has assumed that the words "not less than" should be interpreted to mean "as much more as the Secretary of the Interior may in his judgment and wisdom fix." Now, I have never quarreled with that interpretation; in fact, I was rather favorable and was one of those who suggested to the department the propriety of coal-land classification. But there is no very clear authority in law for that classification, and when we put a new statute relative to coal on the statute books, which we do in effect by the reenactment of the old sections, the query is, What effect does that have on intervening laws relative to withdrawals and classifications? We have had legislation on withdrawals. We have had none on classification except as is used in the withdrawal act. Now, what is intended by this section is this, if the gentleman from Oklahoma will give me his attention, that unreserved coal lands may be purchased under these sections of the Revised Statutes. You never intended that reserved coal lands, reserved for classification and still unclassified, should——

Mr. FERRIS. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. FERRIS. Let me give the gentleman the facts, and here they are: There have been 53,000,000 acres of withdrawals, and there have been 20,000,000 classified. Suppose the department of the Government drags along and does not classify; supose it is not even surveyed; this lease law was intended to and properly should apply to all coal land whether classified or not. The bill provides that you can go ahead and lease it and go ahead and utilize it and use it. I can not think the gentleman wants to do what he is talking about at all.

Mr. MONDELL. Oh, I have another amendment. The gentleman is always jumping at conclusions. You must follow this with an amendment to the part of the bill referring to leasing that should apply to lands that are withdrawn and lands that are reserved and unreserved, but certainly you do not want to apply your purchase law to reserved lands; and if the gentleman from Oklahoma will just listen to me for a moment, I think he will agree with me. Reserved coal lands are coal lands that are reserved for the purpose of classifying them. Before they are reserved they can be entered at $10 or $20 an acre without regard to what their value may be. They are reserved in great areas for the purpose of classification, and as rapidly as the bureau can get around to it to classify them they classify them and fix the price above the minimum as high as $500 an acre. Then they restore them to entry at the classified price.

Now, your sale law should only apply to the unreserved lands. That means lands that have never been reserved as coal lands and lands that have been reserved and classified and restored—those are the only lands you should apply your sale law to. Otherwise you are liable to have some one go on to reserved coal lands, which you intend to classify at anywhere up to $200 an acre or more, for the minimum price of $10 and buy them. Now, that would be a very objectionable thing.

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

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for five minutes more. Is there objection?

Mr. FERRIS. Reserving the right to object, Mr. Chairman, I ask unanimous consent that the debate on this paragraph close at the expiration of 10 minutes, 5 to be occupied by the gentleman from Wyoming [Mr. MONDELL] and 5 by some member of the committee who may desire to reply to him.

Mr. LENROOT. I hope the gentleman will not object to the extension of time.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. With reference to the meaning of the term "reserved," we all understand the meaning of it technically. But I want to ask the gentleman this question: Does the term "reserved" in the law apply to lands withdrawn for purposes of classification only?

Mr. MONDELL. "Reserved," as I understand it, applies to lands withdrawn for any purpose under the law. There is another class of lands, and that is another matter that I want to refer to, because I do not think we want to apply the law of 1870 to forest reserves.

The law of 1870 never has applied to forest reserves, and I can understand how a man might go into a forest reserve on land worth $100 an acre for timber and find enough coal to form the basis of a coal application and buy it at $10 an acre. You do not want to permit that, but that is just what could be done unless you adopt my amendment.

I assume that the only lands that you want to sell, and the only ones that it is proper to sell, are unreserved or classified lands. The classified price is in some instances above $400 per acre. The same class of coal land you can buy in Kentucky, Indiana, and other States at half the price. The only lands that can now be bought under the act of 1870 are the unreserved lands; that is, the lands outside of the forest reserves, the lands that never have been reserved, or the lands that may have been reserved, classified, and then restored. Those are the lands that your committee unquestionably intended to have this statute apply to.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Wyoming yield to the gentleman from Kentucky?

Mr. MONDELL. Yes.

Mr. SHERLEY. It may be an ignorant question, because I am not very well advised about the land laws. Would the effect of the gentleman's amendment be, if an entry was made upon lands that were not classified and valued, to prohibit the department from classifying them and giving them a value beyond the minimum if it were discovered that those lands were of value?

Mr. MONDELL. Well, the department has, I think, finally held that where a valid application is made under the law they can not thereafter raise the price.

Mr. SHERLEY. What I am anxious to see written into this law—and I have listened with interest to what the gentleman from Illinois [Mr. MANN] said—is that the classification that may now exist or that may be made hereafter under regulations of the department shall not by implication be repealed in the law that we are now passing.

Mr. MONDELL. My amendment is intended to remove any danger of that.

Mr. SHERLEY. Well, I understand that was the purpose of it——

Mr. MONDELL. And I have another amendment following which I shall offer to perfect the matter.

Mr. SHERLEY. If the gentleman will permit, what I was impressed with was the question whether in trying to cure one thing you did not open up a danger elsewhere; and I was struck with the gentleman's statement that land which was not classified could be entered upon and sold at what would be the minimum price.

Mr. MONDELL. Oh, you can not very well avoid that. But I will say to the gentleman that, as a matter of fact, if there is any coal land anywhere that has not either been classified or examined or withdrawn, it is coal land of mighty little value.

Mr. SHERLEY. I doubt that exceedingly.

Mr. MONDELL. Because the department has in every case given the Government the benefit of the doubt and reserved everything in sight.

Mr. SHERLEY. Yes; where it knew. But it does not always know.

Mr. MONDELL. Well, I think in a hundred million acres somebody might some time find a 40-acre tract that is worth a dollar or two more than the minimum price; but where that occurs in one case, a hundred men will pay an enormous classified price.

The CHAIRMAN. The time of the gentleman from Wyoming has again expired.

Mr. FERRIS. Mr. Chairman——

Mr. MONDELL. Mr. Chairman, just a minute. I want to explain to the gentleman from Oklahoma.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MONDELL. I have another amendment following this. I realize that a leasing bill must apply to reserved and unreserved lands, and so, if this amendment is adopted, I shall offer at the end of line 13 an amendment to insert the words "reserved or unreserved," so that the leasing law shall apply to all of these lands, but the purchase law shall appy only to unreserved lands and lands not on a forest reserve.

Mr. FERRIS. Mr. Chairman, if section 2 added one word or removed one word from the old law, I should not be in favor of it, but it does not. We leave the old law intact, just exactly as it is, nothing more and nothing less.

Mr. MANN. Will the gentleman yield for a question?

Mr. FERRIS. I will.

Mr. MANN. If it neither adds to nor subtracts from the old law, what is the object of it?

Mr. FERRIS. Simply because we pass a new law which operates in full conjunction with it. I mean, so far as reference is made to the coal-land law of 1873, sections 2347 to 2352, we do nothing whatever to it, but leave it in force. If I may proceed for a moment I think I can answer what the gentleman from Kentucky [Mr. SHERLEY] has inquired about. The gentleman from Kentucky [Mr. SHERLEY] suggested to me a moment ago privately that he thought we ought perhaps to keep intact the regulations now in force and which will hereafter be put into force by reason of the law, and I think he made some such suggestion as that publicly to the gentleman from Wyoming [Mr. MONDELL]. Section 2351 of the Revised Statutes, which is a part of the coal-land act, provides "that the Commissioner of the General Land Office is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and the four preceding sections." My thought is—and I think I am right about it—that the Secretary of the Interior and the Commissioner of the General Land Office have already inaugurated rules and regulations

which are not only securing the prescribed $10 an acre for the coal land within the 15-mile limit, and the prescribed $20 an acre for the coal land outside of the 15-mile limit, but they are getting as much as the coal will bear, and in some cases as much as $500 and $600 an acre for some of the land. If we leave the law intact and do not repeal a line of it, surely that part of it which authorizes them to issue and promulgate new rules and regulations is still in full force and effect, and would need no additional legislation to accomplish it. The gentleman from Wyoming [Mr. MONDELL] comes in with an amendment and asks to limit the operation of this lease law to the reserved area only. I do not think that ought to be done.

Mr. MANN. That is not the case.

Mr. LENROOT. He opens that wide open, reserved and unreserved.

Mr. FERRIS. I thought his amendment on page 2, section 2, was to put in only unreserved lands.

Mr. LENROOT. That only applies to purchases.

Mr. MANN. That relates only to purchases.

Mr. LENROOT. And then he makes the lease law apply to all.

Mr. FERRIS. I do not think we do more than that now, as the language stands. If we adopted both of his suggestions we would be exactly where we are now.

Mr. MANN. It seems to me you do a good deal more than that.

Mr. LENROOT. I think so.

Mr. MANN. All the land is made subject to sale, whether it is subject to sale now or not.

Mr. FERRIS. Not at all.

Mr. MANN. If you take the gentleman's amendment, then the land subject to sale is only the unreserved land, while if you take his other amendment, then the land subject to lease is both reserved and unreserved.

Mr. FERRIS. I think the apparent confusion arises from the fact that gentlemen have not recently read the existing coal-land law. It provides that such rules and regulations may be inaugurated as are necessary to vitalize the law.

Mr. MANN. I may be in error as to what it means, but it is not an error caused by failure to read the coal-land law, because I took the trouble to read it in connection with this section, and it made my doubts greater than ever.

Mr. FERRIS. I have not intended to criticize anyone for not reading all the sections; but I have the law, and it provides that they can promulgate any rules or regulations they desire to put the law into effect. Now, under the coal-land act of 1910 they withdrew all the coal lands that they knew about, amounting to 53,000,000 acres. As fast as the Geological Survey can get the money to classify the lands they classify them, so that up to this time 20,000,000 acres have been classified. Now, we are passing a leasing law to lease the coal lands of this country, with provisions for royalties to the Government, and so forth.

Mr. MANN. If the gentleman will permit me, what I am afraid of—and I think possibly some other gentlemen are afraid of—is that the insertion of this provision will give them the right to make entry for land which has been withdrawn for classification but which has not been classified and will give them the right to insist upon a patent for the land on the basis of $10 or $20 an acre.

Mr. FERRIS. The answer to that is that the land is withdrawn, and is not even subject to sale until it is, first, classified, and, second, offered for sale.

Mr. MANN. Yes; but here is a provision that makes it subject to sale.

Mr. FERRIS. Not at all, unless it was already subject.

Mr. MANN. What is the use of putting in a provision which the gentleman and the committee do not intend for a joker, but which may turn out to be a very serious joker? What is the use of doing that when you can guard against it?

Mr. FERRIS. I think the gentleman is mistaken about it. Of course no one wants to do that. I do not want to change the original law at all. I want to let it go exactly as it is. I want the department to have the same right to promulgate rules and regulations that it now has. I neither want to add to nor take from the existing law a solitary word.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to proceed for two minutes more.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent to proceed for two minutes. Is there objection?

There was no objection.

Mr. FERRIS. The only thing this section does is to provide that the land shall not be subject to lease if anyone is proceeding under the old law——

Mr. MANN. Oh, no; that is not all it does.

Mr. FERRIS. I think it is.

Mr. MANN. It says these lands may be acquired under the old law.

Mr. FERRIS. They are not even subject to entry or to an application for entry. They are not subject to purchase or anything else until the department classifies them. Prior to that they all stand withdrawn.

Mr. MANN. But Congress has the authority to override all the rules of the department.

Mr. FERRIS. Precisely.

Mr. MANN. And if we make them subject to be acquired, any rule that stands in the way is abrogated.

Mr. FERRIS. I can not think the gentleman is right in his contention about this, but I do not want to be obstinate about it.

Mr. LENROOT. Mr. Chairman, I think the whole matter grows out of a misunderstanding. I think the gentleman from Oklahoma is in part correct and the gentlemen from Illinois and Wyoming are also correct in the position they take. It is clear that there was no intention on the part of the committee to modify or change the existing coal-land laws in regard to purchase in any way, but the law of 1873 does confine the right to purchase to unappropriated and unreserved lands, while the language that we have in the bill, as these gentlemen have stated, would confer the right to purchase any lands, whether withdrawn or not, upon which there may be coal. That clearly was not the intention of the committee.

Mr. TAYLOR of Colorado. We do not want that if it is true.

Mr. FERRIS. It is a question of construction, of course. How can gentlemen read that interpretation into the statute when we expressly mention the sections——

Mr. LENROOT. Coal lands and deposits of coal belonging to the United States may be acquired under the provisions of these sections. We are only referring there to the manner of acquiring that kind of land.

Mr. SHERLEY. We are doing more than that; we are providing as if it read "all coal lands may be acquired"; in other words, it is affirmative.

Mr. LENROOT. That is what I said; we are extending the provisions of the law of 1873 to all lands in the United States which may contain coal, which the law of 1873 does not do.

Mr. FERRIS. But this is in accordance with specific sections.

Mr. LENROOT. That only goes to the method of acquiring it and does not relate in any way to the land affected. Now, if the amendment of the gentleman from Wyoming is adopted it will clear that up, and the other amendment that he will later propose for leasing will leave it just as it was intended.

Mr. SHERLEY. If I understand the amendment of the gentleman from Wyoming it is that all lands not reserved——

Mr. LENROOT. Unreserved lands shall be subject to purchase under the provisions of the bill.

Mr. SHERLEY. I want to put the same inquiry to the gentleman from Wisconsin that I put to the gentleman from Wyoming. It seems to me that there ought to be a right—whether it is in the existing law now or not, there ought to be a right in the Government when application is made for unreserved lands that were not supposed to be of special value but are found to be of special value, to put a valuation on them other than that fixed of $10 or $20, as the case may be. In other words, I do not think the discovery and entry gives a man a right to the land at the minimum price without regard to value. I do not agree with the gentleman from Wyoming that the Government has gone crazy on the valuation of lands. I think the time is coming when its action will be looked upon as conservative.

Mr. LENROOT. In regard to that, the power exercised by the department in reference to the valuation is under the act of 1873, under rules and regulations promulgated, and they will have that right here.

Mr. SHERLEY. The point I am getting at is further than what their right is now—what their right should be. As I understand, the law now is that if classification and valuation has not been made, and a man makes an entry before it is made, he has the right to the land at the minimum price. Now, I do not think that ought to be the law.

Mr. LENROOT. If it has once been appraised, he has the right to enter at the appraised value. In no case is he entitled to enter at the minimum price of $10 or $20 an acre unless it has been so appraised.

Mr. SHERLEY. Do I understand that he can not enter it unless it has been appraised?

Mr. FERRIS. That is true, and there are 33,000,000 acres that he could not get at all.

Mr. MONDELL. Will the gentleman from Kentucky yield?

Mr. SHERLEY. Certainly; I am after information.

Mr. MONDELL. If the land itself contains coal, it can be entered if it has not been withdrawn and has not been appraised.

Mr. SHERLEY. That is the point; should not there be a right when entry is made for the Government to appraise the land?

Mr. TAYLOR of Colorado. There is no such land.

Mr. SHERLEY. There may not be any such land to-day, but to-morrow there may be. Ought there not to be some provision in the law whereby the Government should have the right, even after the entry is made, to put an additional price on the land?

Mr. LENROOT. My contention is that we have the right now. There is no law on the statute books that gives him the right to enter at any fixed price. It is merely a minimum price that is fixed. Although the land has not been appraised, if application is made to enter it the department may fix such price as it chooses.

Mr. MANN. Will the gentleman yield?

Mr. SHERLEY. Yes.

Mr. MANN. Do I understand that under existing law where land has not been withdrawn a man may make application or entry for the land, and if it is coal land the department before it grants the patent appraises the land, he could only, in fact, obtain it on the payment of the appraised price?

Mr. SHERLEY. That may or may not be the fact. The gentleman from Wyoming says one thing and the gentleman from Wisconsin another.

Mr. MANN. The gentleman from Wyoming said that he could make entry, but he did not say upon what terms he could obtain the patent. The gentleman from Oklahoma said it was subject to appraisement after application was made.

Mr. FERRIS. I do not think I said that.

Mr. MANN. Some gentleman said it.

Mr. MONDELL. Mr. Chairman, I understand that if land has been appraised, classified, and restored to entry the price can not be raised after an application is made.

Mr. FERRIS. That is right.

Mr. MONDELL. There is no question about that. That has been decided time out of mind. Now, as to the other question, supposing there were some fragment somewhere that had not been considered coal land, and an entryman made application for it, would the department hold it had the right to price that land above the minimum price? I believe the department has heretofore held that it could not.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. SHERLEY. Mr. Chairman, I ask unanimous consent that his time be extended for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SHERLEY. I did not quite catch what the gentleman from Wyoming said.

Mr. MONDELL. In such a case as I last referred to, where an entryman had made an application for land that had not been reserved or classified, and discovered coal in the land, and made offering at the minimum price—ten or twenty dollars an acre, as the case may be—the department, I think, has held—I know it has sometimes—that in that case he is entitled to the land at the minimum price; and on this theory, if the gentleman will allow me, that the law being in effect as regards those lands, his right attaches when he makes the application. But I want to assure the gentleman from Kentucky that if there is anything valuable left that has not been withdrawn for classification, nobody knows where it is.

Mr. SHERLEY. Oh, that does not concern me at all, because every day we are discovering things that we did not know yesterday in respect to the mineral wealth of America.

Mr. MANN. The gentleman remembers that my State is rich in coal and oil, but nobody knew it when we took the land.

Mr. SHERLEY. Whether it is in the law now or not, we should write into this bill, if necessary, a provision giving the Government the right to classify and value the land at its true value.

Mr. FERRIS. Does the gentleman mean agricultural entry?

Mr. SHERLEY. I mean that in any entry that is made of land, that is found to be mineral land, before the man gets his title the Government ought to have the right to ask him a fair price instead of an absurdly low price. That is just common sense and common honesty.

Mr. FERRIS. They do that now.

Mr. SHERLEY. That is just the point that we are trying to determine—whether they do or not.

Mr. FERRIS. The trouble with the situation is this: The gentleman from Wyoming [Mr. MONDELL] is talking about coal lands and the gentleman from Kentucky [Mr. SHERLEY] is trying to have it apply to general agricultural lands.

Mr. LENROOT. Mr. Chairman, with reference to the suggestion of the gentleman from Wyoming [Mr. MONDELL], that entryman, when the land has not been classified and appraised, are entitled to receive the land at the minimum price, I would say that that used to be the ruling. It was once ruled, and for a great many years ruled, that language such as this entitled the entryman always to get the land at the minimum price fixed. That was changed a number of years ago by regulation, with reference to the timber and stone act and with reference to the coal-land act, and has been changed, so far as any act that I know of is concerned, where the law itself seeks only in terms to fix the minimum price.

Mr. MONDELL. Mr. Chairman, I think we should not deceive ourselves, whether the situation is as it ought to be or not. The gentleman may be entirely right, but I do not know of any case, although there may be such cases, where the department has held that they could advance the price after the application had been made.

Mr. LENROOT. Where there had been an appraisal.

Mr. MONDELL. Where there had not been an appraisal, where the land was subject to entry and the land lay there subject to entry, and it had not been withdrawn, and application was made. The General Land Office for a time was inclined to hold that there could then be an appraisal, but I think the decisions have lately been to the contrary and to the effect that the right attaches, and there having been no appraisement the minimum price was the price. I do not think there is any serious danger in that situation at the present time.

Mr. SHERLEY. I do.

Mr. MONDELL. Of course it does not affect my amendment in any case. My amendment ought to be adopted.

Mr. SHERLEY. I recall a time when the Land Office did the most absurd and criminal thing ever done. It declared that the minimum price was the maximum price, in plain contravention of common sense and common English. I do not want to take a chance on anything of that kind recurring.

Mr. MANN. Mr. Chairman, will the gentleman yield?

Mr. LENROOT. Certainly.

Mr. MANN. Would it not cover the situation to insert in the proper place as a definition of the coal lands or deposits the words "which have been appraised"?

Mr. FERRIS. Does the gentleman mean for the purpose of a lease law?

Mr. MANN. No; for the purpose of sale.

Mr. FERRIS. That is all that can be done now, the gentleman from Wyoming to the contrary notwithstanding.

Mr. MANN. We do not agree with the gentleman on that, and what is the use of taking chances? Is there any harm in that? Is it intended to throw any of this coal land open to sale except that which has been appraised?

Mr. FERRIS. Not at all.

Mr. MANN. Then why not say so?

Mr. FERRIS. I am quite willing.

Mr. MANN. Why would it not do to insert, after the word "Alaska," the words "which have been appraised," so that it would read:

> That coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, which have been appraised, may, unless an offering—

And so forth?

Mr. TAYLOR of Colorado. Which have heretofore or may hereafter be appraised.

Mr. MANN. It means the same thing.

Mr. MONDELL. I prepared two amendments in case this amendment was not adopted. If this amendment is not the proper form, the word to use, I should think, would be the word "classified" as universally used by the department; and if you say "classified" lands, it is not necessary to say hereafter or heretofore classified at the time.

Mr. MANN. Classified coal lands or deposits.

Mr. FERRIS. That is what the committee wants to do.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to withdraw my amendment and insert in lieu of the word "unreserved" the word "classified."

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to modify his amendment in the manner indicated.

Mr. TAYLOR of Colorado. Let the Clerk read it.

The Clerk read as follows:

> Page 2, line 6, after the word "that," insert the word "classified."

The CHAIRMAN. Is there objection to the modification of the amendment? [After a pause.] The Chair hears none.

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

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. I am not quite clear in my mind as to the necessity of amending the section on the last line, in view of the fact we have amended the first section, though I am inclined to think that an amendment is necessary, in view of the fact that line 13 refers to "such lands or deposits," and it would probably be said that such lands and deposits refer to classified lands.

Mr. TAYLOR of Colorado. I think we had better put that in.

Mr. MONDELL. If it does, we could meet the situation by simply using the words "classified or unclassified" at the proper place.

Mr. MANN. Of course, this section is not the section which defines lands which may be taken under lease. It is immaterial whether you put it in or leave it out, so far as the meaning is concerned.

Mr. FERRIS. I rather think the intent ought to be clear; and inasmuch as we put it in at one place we ought to put it in at the other.

Mr. MANN. This only says those lands can be subject to lease. The next section defines the lands which are subject to lease; so it does not make any difference one way or the other.

Mr. FERRIS. I think I would rather have it go in, as long as the first one has been adopted.

Mr. MONDELL. Mr. Chairman, I offer an amendment. After the word "deposits," at the end of line 13, insert a comma and the words "classified or unclassified" and a comma.

The CHAIRMAN. The gentleman from Wyoming withdraws the pro forma amendment and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 13, after the word "deposits," insert a comma and the words "classified or unclassified" and a comma.

Mr. MANN. Mr. Chairman, I do not know that it can do any harm, but it is certainly very poor rhetoric, because such lands are only classified lands.

Mr. TAYLOR of Colorado. Why not place it after the word "such" instead of after the word "deposits"?

Mr. MANN. That is the same thing. The only lands that you refer to in the language of this section are classified lands. It is not necessary to put in either one. It is only classified lands. Now, classified lands you can buy, and this section does not define lands which are leased; but the next section says:

Any of the deposits of coal owned by the United States outside of the Territory of Alaska, into leasing blocks or tracts of 40 acres each—

And so forth.

Mr. MONDELL. Will the gentleman from Illinois allow me? This law will be construed after consideration of all of its sections, and if in one section you say only classified lands may be leased and in another section that all lands may be leased, without referring to whether you include classified and unclassified, you at least leave out——

Mr. SHERLEY. It is easy to get at that by leaving out the word "such." I suggest it could be provided by striking out the words "or such lands may be leased," and put it, in substance, in this form: "*Provided, however*, That such provision shall not prevent the leasing"——

Mr. MONDELL. If I may be allowed——

Mr. SHERLEY. If the gentleman will just let me finish my sentence—I do not like to leave a sentence in the air, like Mahomet's coffin—"*Provided, however*, That such provision shall not prevent the leasing of classified lands with others, as provided in the following section." Language of that kind would clearly reach the trouble, but you can not turn in and qualify the word "such" without rendering the language topsy-turvy.

Mr. MONDELL. What I was going to suggest was, in lieu of what I have offered, that the word "such," in line 13, be stricken out and the word "coal" inserted, which would relieve the situation.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask unanimous consent that the gentleman's time be extended three minutes.

The CHAIRMAN. Is there objection to the request? [After a pause.] The Chair hears none.

Mr. MONDELL. In line 13 strike out the word "such" and insert "coal."

Mr. FERRIS. "Coal lands, classified or unclassified." I think that ought to go in.

Mr. MANN. That any coal lands or deposits, classified or unclassified, may be leased?

Mr. FERRIS. Will the gentleman from Wyoming modify his amendment to the extent of striking out the word "such," in line 13, page 2, and insert in lieu thereof "coal lands or deposits, classified or unclassified," so it will read——

Mr. LENROOT. Will the gentleman yield?

The CHAIRMAN. The gentleman from Illinois has the floor.

Mr. LENROOT. May I make this suggestion? The only purpose of section 2 is to make it optional in reference to certain specific lands. Now, if there is any addition to the language of section 2 to govern section 3, why not wait until we get to section 3, and then insert the words "classified or unclassified"?

Mr. MONDELL. If the gentleman from Illinois [Mr. MANN] will allow me, my intention in modifying my amendment was not to continue the words "classified and unclassified," but simply to insert in lieu of the word "such" the word "coal," so that it would read "coal lands or deposits may be leased," then the following section defines what coal lands and deposits. Striking out the word "such," then, does not lead in the section reference back to the word "classified."

Mr. TAYLOR of Colorado. If there is any question about it, why not put it in?

Mr. FERRIS. Let the gentleman modify his amendment.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent, if I have the consent of the gentleman from Illinois [Mr. MANN], who controls the time, to modify my amendment as follows: Line 13, strike out the word "such" and insert the word "coal." At the end of line 13 insert the amendment I have already sent to the desk.

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to modify his amendment already offered. The Clerk will report the proposed amendment.

The Clerk read as follows:

Page 2, line 13, strike out the word "such" and insert the word "coal," and after the word "deposits," at the end of the line, insert a comma and the words "classified or unclassified."

The CHAIRMAN. Is there objection to the modification? [After a pause.] The Chair hears none.

Mr. TALCOTT of New York. Mr. Chairman, I move to amend the amendment by inserting after the word "deposits" the words "of coal."

Mr. MANN. You would not say "coal lands or deposits of coal"?

Mr. TALCOTT of New York. Yes. That is the language used in line 6.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 13, after the word "deposits," insert the words "of coal."

Mr. FERRIS. Mr. Chairman, I do not think that would be necessary.

Mr. TALCOTT of New York. That is the language used in line 6.

The CHAIRMAN. That is not an amendment to the amendment.

Mr. MANN. That is to insert in a part of the amendment of the gentleman from Wyoming the words "of coal."

Mr. TAYLOR of Colorado. There is no objection to that.

Mr. LENROOT. That has not been adopted.

Mr. SHERLEY. I understand; but I think we can have one amendment to simplify the whole business. I suggest that the word "or" should be changed to the word "but," and the reason for that suggestion is this, that the trouble you are having with your English in the sale provision is that there you are dealing only with classified lands, whereas in your leasing provision you want to provide for all of them. Therefore the word "or" is not a suitable word, because it does not connect things that are the same. The word "but" is the proper word.

Mr. MANN. Why not use the word "and"?

Mr. SHERLEY. That is all right, but the word "or" is not the proper word. The word "or" is to balance equal phrases.

The CHAIRMAN. The question is on agreeing to the pending amendment.

Mr. MONDELL. Mr. Chairman, has my amendment been adopted?

Mr. SHERLEY. No; it has not.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that we first dispose of the amendment offered by the gentleman from Wyoming as amended by the gentleman from New York [Mr. TALCOTT]. The suggestion of the gentleman from Kentucky [Mr. SHERLEY] strikes at another amendment.

Mr. SHERLEY. None of them is pending yet, because unanimous consent was not given for the modification.

The CHAIRMAN. Unanimous consent was given to the gentleman's modified amendment. The gentleman from New York [Mr. TALCOTT] offered an amendment to that amendment.

Mr. SHERLEY. I do not care to press the point, but I did not give unanimous consent to it.

The CHAIRMAN. The Chair put the question, and there was no objection.

Mr. MONDELL. Mr. Chairman, I ask unanimous consent to again modify my amendment so as to include the suggestion of the gentleman from Kentucky.

The CHAIRMAN. The Clerk will report it.

Mr. MONDELL. My suggestion is, in line 13, to strike out the words "or such" and insert the words "and coal," and at the end of line 13 to insert the words "of coal, classified or unclassified."

The CHAIRMAN. The gentleman from Wyoming asks unanimous consent to substitute in lieu of the pending amendment the amendment which the Clerk will report.

The Clerk read as follows:

Page 2, line 13, after the word "thereto," strike out the words "or such" and insert the words "and coal," and after the word "deposits," at the end of the line, insert the words "of coal, classified or unclassified."

The CHAIRMAN. Is there objection?

Mr. BRYAN. Reserving the right to object, Mr. Chairman, would it not be necessary to add also the words "exclusive of those in Alaska"? Because if you put here a new sentence providing for the leasing of coal lands you abandon the exclusion in the seventh line of page 2, which limits the leasing by the terms "exclusive of those in Alaska." Now, if you are going to make a new leasing provision here you have got to carry in those words also as well as the words added from time to time.

Mr. FERRIS. Mr. Chairman, I call for the regular order.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. FERRIS. The gentleman can insert that afterwards.

Mr. MANN. You can not do that after you agree to this amendment. After the word "coal," offered by the gentleman from Wyoming, insert the words "exclusive of those in Alaska."

Mr. FERRIS. I do not object to that, but we already have five or six amendments, and no one can tell what it means. We started out with a change of one word, as suggested by the gentleman from Wyoming. Now we have five or six other matters relating to that concerning verbiage. We can not tell where we will get to by this method.

Mr. MANN. I think we can tell easily enough. Let us see how it would read: "And coal lands and deposits of coal, classified and unclassified, exclusive of those in Alaska, may be leased as hereinafter provided." That is perfectly plain, is it not?

Mr. TAYLOR of Colorado. Mr. Chairman, we accept it all. Let us go ahead.

Mr. MANN. Insert, after the word "unclassified," the words "exclusive of those in Alaska."

The CHAIRMAN. The gentleman from Illinois offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Insert after the word "unclassified," proposed to be inserted at the end of line 13, page 2, the words "exclusive of those in Alaska," so that the lines, as they are intended to be amended, will read as follows: "and amendatory thereof and supplemental thereto, and coal lands or deposits of coal, classified or unclassified, exclusive of those in Alaska, may be leased as hereinafter provided."

Mr. McKENZIE. Mr. Chairman, I want to make one suggestion to the chairman of the committee which, it seems to me, will straighten out this whole tangle; that is, to have the first line written in these words:

That lands containing deposits of coal.

Mr. FERRIS. That would not do, because we allow surface entries of coal in the West, and it must be both the deposits and the lands. In some instances we want to lease both the land and the coal and in other instances only the deposits of coal. That is a well-recognized practice and necessary in the West, because they are doing it constantly. So I take it the gentleman would not want to insist on that.

Mr. LENROOT. Mr. Chairman, this matter has got into such shape now that I feel all these amendments should be defeated and the language remain as it now is in the section, otherwise you will get this into a form that is involved and ungrammatical and you will accomplish absolutely nothing. If this language remains as it is, it will merely permit the classified lands to be either leased or purchased. If there is any question of construction, then if in section 3, after the word "coal" in line 17, we insert the words "classified or unclassified," the entire matter is as clear as day. It is not good workmanship to encumber this section with such an amendment as is now proposed.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois to the amendment of the gentleman from Wyoming.

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming.

The question being taken, the Chairman announced that the noes appeared to have it.

Mr. MONDELL. Division, Mr. Chairman.

Mr. TAYLOR of Colorado. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAYLOR of Colorado. Did the gentleman from Wisconsin [Mr. LENROOT] offer an amendment to strike out everything beginning with the word "or," in line 13, to the end of the section, and to let this section apply only to what it ought to apply to?

The CHAIRMAN. The gentleman did not offer any such amendment. No such amendment is pending. The gentleman from Wyoming demands a division, and the question is on the amendment of the gentleman from Wyoming.

The question being taken, on a division there were—ayes 17, noes 18.

Mr. MONDELL. Mr. Chairman, I make the point of order that there is no quorum present.

The CHAIRMAN. The gentleman from Wyoming makes the point of order that there is no quorum present. The Chair will count. [After counting.] Ninety-two Members—not a quorum. The Clerk will call the roll.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adamson	George	L'Engle	Sabath
Austin	Gerry	Lewis, Pa.	Saunders
Barchfeld	Gittins	Lindquist	Sells
Bartlett	Godwin, N. C.	Loft	Sinnott
Brown, N. Y.	Goldfogle	McClellan	Slemp
Browning	Graham, Pa.	McGillicuddy	Small
Burke, Pa.	Griest	Mahan	Smith, Md.
Burnett	Guernsey	Maher	Smith, N. Y.
Calder	Hamill	Manahan	Stafford
Cantor	Harris	Martin	Steenerson
Clancy	Hensley	Merritt	Stevens, N. H.
Connolly, Iowa	Hinds	Metz	Stout
Conry	Hobson	Moore	Stringer
Covington	Hoxworth	Morin	Sutherland
Crisp	Humphreys, Miss.	Moss, Ind.	Taggart
Dies	Igoe	Murdock	Talbott, Md.
Driscoll	Johnson, S. C.	Norton	Tavenner
Dupré	Jones	O'Leary	Thacher
Elder	Kent	O'Shaunessy	Townsend
Fairchild	Kettner	Palmer	Watkins
Faison	Kiess, Pa.	Parker	Whitacre
Finley	Kindel	Peters	Wilson, N. Y.
FitzHenry	Kinkead, N. J.	Powers	Winslow
Frear	Knowland, J. R.	Riordan	Woodruff
Gardner	Korbly	Rothermel	Woods

The committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having under consideration the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, finding itself without a quorum, he caused the roll to be called, when 333 Members—a quorum—answered to their names, and he reported the names of the absentees to be entered in the Journal and RECORD.

The SPEAKER. A quorum is present. The committee will resume its session.

The committee resumed its session.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to have the amendment reported again.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 13, after the word "thereto," strike out the words "or such" and insert the words "and coal"; and after the word "deposits," at the end of the line, insert the words "of coal, classified or unclassified."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was rejected.

The Clerk read as follows:

SEC. 3. That the Secretary of the Interior is authorized to, and upon the petition of any applicant qualified under this act shall, divide any of the deposits of coal owned by the United States outside of the Territory of Alaska into leasing blocks or tracts of 40 acres each, or multiples thereof, and in such form as, in the opinion of the Secretary of the Interior, will permit the most economical mining of the coal in such blocks, but in no case exceeding 2,560 acres in any one leasing block or tract; and thereafter the Secretary of the Interior shall from time to time, upon the request of any applicant qualified under this act or on his own motion, offer such lands or deposits of coal for leasing, and, upon a royalty fixed by him in advance, shall award leases thereof through advertisement, by competitive bidding, or, in case of lignite or low-grade coals, such other methods as he may by general regulations adopt, to any person above the age of 21 years who is a citizen of the United States or has declared his intention to become such, or to any association of such persons, or to any cor-

poration or municipality organized under the laws of the United States or of any State or Territory thereof: *Provided*, That no railroad or other common carrier shall be permitted to take or acquire through lease or permit under this act any coal lands or deposits of coal in excess of such area or quantity as may be required and used solely for its own use, and such limitation of use shall be expressed in all leases or permits issued to railroads or common carriers hereunder. That such a railroad or common carrier may be permitted to take under the foregoing provisions not to exceed one lease hereunder upon and for each 200 miles of its line in actual operation. The term "railroad" or "common carrier" as used in this act shall include any company or corporation owning or operating a railroad, whether under a contract, agreement, or lease, and any company or corporation subsidiary or auxiliary thereto, whether directly or indirectly connected with such railroad or common carrier.

Mr. LEVY. Mr. Chairman, I desire to offer an amendment.

Mr. RAKER. I have an amendment to offer.

The CHAIRMAN. The gentleman from California [Mr. RAKER] is recognized.

Mr. LENROOT. Will the gentleman from California yield to me to offer an amendment to finish up the same thing we were discussing in section 2?

Mr. RAKER. I yield to the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from California withdraws his amendment. The gentleman from Wisconsin [Mr. LENROOT] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 17, after the word "coal," insert the words "classified or unclassified."

Mr. LENROOT. Mr. Chairman, this is only for the purpose of clearing up the controversy relative to section 2, and I think it clarifies the meaning.

Mr. MANN. Should it not be "classified and unclassified"?

Mr. FERRIS. They generally refer to them in the alternative—"classified or unclassified."

Mr. MANN. It depends on what you mean. You want to provide for both classified and unclassified, not "or."

Mr. LENROOT. Mr. Chairman, I ask to modify the amendment by striking out the word "or" and inserting the word "and."

The CHAIRMAN. Without objection, the amendment will be so modified. The question is on the amendment offered by the gentleman from Wisconsin.

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

Mr. RAKER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 17, after the words "any of the," insert the words "coal lands or."

Mr. RAKER. That is simply to correct a misprint.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

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

Mr. RAKER. Now, Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In lines 7 and 8, after the words "United States," strike out the words "or has declared his intentions to become such."

Mr. RAKER. Mr. Chairman, this is simply to make this provision conform to the rest of the bill.

The CHAIRMAN. The question is on the amendment.

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

Mr. THOMSON of Illinois. Mr. Chairman, I move to strike out the last word. In the remarks I made on this bill under general debate I made this statement:

It is difficult to find any valid claim for any of our States of the West to the public lands within their boundaries when we remember that, excepting the State of Texas, all the land west of the Mississippi River was bought and paid for by the Federal Government before most of the Western States were occupied by white men. These lands cost the Government a total of nearly three-fourths of a billion dollars. Not a dollar of this money was paid by any one of the States. It came out of the Treasury of the United States, money obtained from taxation of all the people.

At that time Mr. JOHNSON of Washington questioned my assertion and alleged that the Oregon Territory was acquired without any cost to the United States.

On Saturday last, when the bill was under consideration under the five-minute rule, the gentleman from Washington [Mr. HUMPHREY] referred to that statement of mine made under general debate, and he proceeded as follows:

That is a statement that we hear a great many times. The only trouble with the statement is that it is not correct. I want the gentleman from Illinois to know, and other gentlemen of the committee, that the Oregon country, comprising Washington, Oregon, a part of Montana, and Idaho, never cost the Government one penny.

Mr. Chairman, I wish to call the attention of the gentlemen from Washington [Mr. JOHNSON and Mr. HUMPHREY] to some statements contained in a book on The Public Domain, by Donaldson, which I think all will recognize as an authority on the subject. Donaldson states in this work, with reference to the Louisiana Purchase, that the boundaries of the Province of Louisiana, as ceded by Napoleon to the United States, were indefinite. The treaty itself, according to Chief Justice Marshall, has been couched in terms of "studied ambiguity." However, the boundaries of this Province were sufficiently definite to make it certain that the Oregon country was included within it. In this book Donaldson gives the cost and area of the Louisiana Purchase, and included in this data given by Donaldson is the following:

State of Oregon, 95,274 square miles; Territory of Washington, 69,994 square miles; Territory of Montana, 143,776 square miles; Territory of Idaho, 86,294 square miles.

In this volume is a map of the United States, which map contains the boundaries of the Louisiana Purchase, and included within those boundaries is the land now comprised in the States of Washington, Oregon, Montana, and Idaho.

Now, it is claimed by the gentlemen from Washington [Mr. HUMPHREY and Mr. JOHNSON] that the Oregon Territory, which was made up of parts of these States, never cost the United States anything, and that the sole right of the United States to that Territory was based on discovery, and that the title of the United States to the Territory was based on the treaty of 1846 with Great Britain.

There was a treaty involving the Oregon Territory in 1846, but I call attention of the gentlemen from Washington to the fact that in the negotiations which the United States had with Great Britain, which led up to the treaty, the United States based its claim of title to that Territory on the Louisiana Purchase. The United States also called the attention of Great Britain to the fact that they had a claim to that Territory, independent of the Louisiana Purchase, due to the discovery of the mouth of the Columbia River by a man named Gray.

Mr. JOHNSON of Washington. Will the gentleman yield?

Mr. THOMSON of Illinois. Yes.

Mr. JOHNSON of Washington. Is it not a fact that the claim which the United States had to the so-called Oregon country based on the Louisiana Purchase territory was in such words of "studied ambiguity," in fact, so shadowy, that the backing up of it by right of the claims of discovery by Capt. Robert Gray and subsequent occupation gave the United States really its rights to the Oregon country?

Mr. THOMSON of Illinois. Both of those claims were made, but the foundation of the claim of the United States to the Oregon Territory was the Louisiana Purchase.

Mr. Chairman, I wish to call attention to the following quotations from the publication on The Public Domain, by Donaldson:

After the purchase of Louisiana by the United States, in 1803, the Government opened negotiations with Great Britain for fixing the northern boundary line of the Province of Louisiana. In 1807 an agreement was reached by the two nations, but not signed. The War of 1812 between them prevented its consummation.

The question was not opened again until the treaty of October 20, 1818, and then only to the Rocky Mountains. Spain, by the treaty at Washington February 22, 1819, waived this claim and ceded to the United States her claims to Oregon Territory.

The French, prior to their sale of the Province of Louisiana and possessions to the United States, claimed the country south of the British possessions and west of the Mississippi River to the Pacific Ocean by reason of discovery and exploration of the Mississippi River. This claim the United States, being the successor of France, also urged and stood upon.

The United States held an independent claim to that portion of the Louisiana Purchase known as Oregon, based upon the discovery of the mouth of the Columbia River in May, 1791, by Capt. Gray, of Boston, in the ship *Columbia*, naming the river from his ship.

The convention between the United States and Great Britain of October 20, 1818, kept the line indefinite, and in the third article provided for joint occupancy and use of the territory claimed by both, by the people of the two countries on the northwest coast of America westward of the Stony (Rocky) Mountains, without prejudice to any claim of either of the contracting parties to any part of said country. This was to hold for 10 years, from the 20th day of October, 1818.

This still left this northwestern boundary line undefined.

The convention between the United States and Great Britain of date August 6, 1827, by Albert Gallatin on behalf of the United States and Charles Grant and Henry Unwin Addington, by the first article indefinitely extended this provision, with the right of either party after October 20, 1828, on 12 months' notice of the intention to annul and abrogate the same.

Article 3 again reserved the claim of either party to the territory west of the Stony or Rocky Mountains.

THE NORTHWESTERN BOUNDARY QUESTION.

The northwestern boundary question was a source of constant irritation and serious trouble between the United States and Great Britain and their citizens.

* * * * * * *

In 1846, after great political heat and discussion and occupation of disputed territory by armed forces of both nations, by a treaty at Washington concluded between Great Britain and the United States, by Richard Pakenham and James Buchanan in behalf of their respective countries, June 15, 1846, it was agreed by article 1 that the northern boundary line should be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel which separates the continent from Vancouvers Island, and thence southerly through

the middle of the said channel and of Fuca Straits to the Pacific Ocean, and thus the boundary line was extended from the Rocky Mountains to the Pacific Ocean along the forty-ninth parallel of north latitude.

* * * * * * *

The western boundary line of the United States from latitude 49° north, going south, the Pacific Ocean, was determined by discovery (Capt. Gray's, 1791), and the purchase from France of the Province of Louisiana, under treaty at Paris, France, April 30, 1803, by the United States, concluded by Robert R. Livingston and James Monroe on behalf of the United States, and Barbé Marbois on the part of France, and by the purchase from Spain of the Floridas, February 22, 1819, from latitude 49° north (confirmed by various treaties set out in description above of northern boundary lines), along the Pacific Ocean to about latitude 42° north.

Now, Mr. Chairman, I think it must be conceded that I have established the correctness of my original statement, my friends from Washington to the contrary notwithstanding.

The contention of these gentlemen that the Oregon Territory, comprising the present States of Washington, Oregon, and parts of Montana and Idaho, did not cost the United States one penny is not borne out by the facts. All this area was included in the Louisiana Purchase. True some claim was made to this Oregon Territory by Great Britain, which was relinquished by them under the treaty of 1846, but the title of the United States to this territory did not originate with the treaty of 1846. The treaty of 1846 merely removed a cloud from the title, to use a legal term, which title originated through the purchase of this land from the French in connection with the Louisiana Purchase.

The fact that the United States supplemented their claim that they held the Oregon Territory through the Louisiana Purchase by calling attention to the discovery of the mouth of the Columbia River by Capt. Gray, in connection with their negotiations with Great Britain preceding the execution of the treaty of 1846, does not change the fact that the $15,000,000 the United States paid France for the Province of Louisiana included the area comprised within what was later known as the Oregon Territory.

When Great Britain later made some claim to the Oregon Territory, the United States removed all such claim through the treaty referred to. But the fact remains, our Government did purchase the title to all this area in making what we know as the Louisiana Purchase.

Mr. LEVY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out, on page 3, line 15, the words "used solely for its own use," and insert the words "sell coal not exceeding 50 tons to any one purchaser at one time."

Mr. LEVY. Mr. Chairman, it is a well-known fact that ever since the Hepburn law was passed coal has been sold at an excessive price in all the cities of the Union. In the city of New York it was $4.50 a ton previous to the enactment of the Hepburn law, and to-day it is between $7 and $7.50 a ton. In the city of Seattle when the Hepburn law was passed coal advanced to $17 and $18 a ton on account of the Northern Pacific Railroad withdrawing its coal. That winter there was quite a famine in coal in that section of the country. It is a very serious proposition to the cities of the United States as to what price they shall pay for coal. There is no reason why we should restrict the railroads from selling coal to the people of Alaska. In fact, I believe the only way that you can obtain capital for the mining of coal in these territories is through corporations to a great extent, and it will do no harm to allow railroads, when they are established, there or in any other section of the country, to retail coal to the people of the localities, and in that way the people may obtain coal at a reasonable price. At the present time, as I say, the price is excessive in all of the cities of the Union. In New York City it is costing from $7 to $7.50 a ton for anthracite coal, and I think if you will adopt this amendment it will be of great benefit to the citizens of the locality in which the coal mines are situated, especially in Alaska, and will give an opportunity to many people to store their coal up for the winter, and also to buy small amounts of coal, and in that way the people will obtain coal at a reasonable rate. [Applause.]

Mr. RAKER. Mr. Chairman, this provision as it is now in this bill is practically the same as was put in the Alaska coal bill. The provision was put in here for the purpose of allowing the railroad companies running through any public land where there is coal to mine a certain amount for their own individual use, for the purpose of running the railroads, to the end that they should not be put to any extra expense. But to permit them to enter into the business of transporting coal other than to run the railroad is just what the trouble has been in the East, where railroads have been permitted to be both transporters and shippers and handlers of coal. It would be an unfortunate thing if such an amendment as this should prevail.

Mr. FOSTER. Mr. Chairman, will the gentleman yield?

Mr. RAKER. Certainly.

Mr. FOSTER. As I understand, the condition of which the gentleman from New York [Mr LEVY] complains is that the railroads do own the anthracite coal, and what he is complaining about is that the people are compelled now to pay excessive prices for it.

Mr. LEVY. Has it not been disastrous to the people of the country since the Hepburn law was passed, in respect to the price of coal? Does the gentleman not believe that to-day that law ought to be repealed in that respect? The people of this country are paying an excessive price for the coal, and why? Because they are obliged to have a half dozen companies through which to distribute it, and the result is that the price is so excessive that the people will not stand for it very much longer.

Mr. RAKER. That does not apply to public lands.

Mr. LEVY. And that is the reason I want to make an exception.

Mr. RAKER. We have the proviso that they can not handle the coal for the purpose of shipping—in other words, being producers of coal and at the same time having a monopoly upon the transportation——

Mr. LEVY. That is the reason I put in the small amount—not exceeding 50 tons at any one time—so that the public in the the particular locality, as in Alaska, would have the opportunity of buying 50 tons of coal and storing it for the winter. I doubt very much if you are going to secure capital for the development of the coal lands.

Mr. RAKER. Oh, yes; there will be plenty of capital. We do not want to treat the railroads unfairly, and we provide that they may have the right to obtain public land through which the railroad runs for the purpose of having sufficient amount of coal to run their business legitimately and no more. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. LEVY) there were—ayes 3, noes 13.

So the amendment was rejected.

Mr. MANN. Mr. Chairman, I move to insert after the word "shall," on page 2, line 25, the words "in his discretion."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 2, line 25, after the word "shall," insert the words "in his discretion."

Mr. MANN. Mr. Chairman, I take it that there is no objection to that. I shall not offer any amendment in reference to the matter of bidding, although it seems to me that it would be desirable to permit bidders to bid upon royalties after fixing a minimum royalty instead of requiring them to bid upon a cash bonus. One can readily imagine that a small corporation might be in a better position to bid an increased royalty, which was to be paid from time to time as the coal was mined, rather than to pay a fixed amount to begin with.

Then I would like to call the attention of the gentleman from Oklahoma to the provision in regard to railroads. Under the terms of the proviso in section 3 no coal company can build a railroad to reach its own mine. There are a good many cases where it may be necessary for the coal company itself to build a short branch line from some railroad in the neighborhood to its own mine as has frequently been the case in West Virginia and probably in other parts of the country. We passed a law requiring a railroad company to make the connection between those short lines and the main line, and that is carried in the amendment to the act to regulate commerce.

Mr. FERRIS. Where does the gentleman find the limitation to which he refers, that a railroad can not build a spur to its own mine for its own use?

Mr. MANN. There is a limitation against a railroad acquiring any coal lands or anything of that sort.

Mr. FERRIS. The railroad can acquire them for its own use, or lease them, every 200 miles.

Mr. MANN. A railroad can acquire coal for its own use, yes; but a railroad is defined to mean a coal company. The definition of "railroad" is as follows:

The term "railroad" or "common carrier" as used in this act shall include any company or corporation owning or operating a railroad.

Therefore a coal company, as I read it, becomes a railroad company under the definition that I have just read, and hence can not handle any coal except for its own use. Perhaps I am mistaken in that, but I hardly think so. The purpose of a coal company is to handle coal to sell to other people. The purpose in mind in drafting this provision is to prevent a railroad com-

pany from selling coal to other people, but the definition of a railroad includes a coal company itself.

Mr. MADDEN. It must have a railroad.

Mr. MANN. Because you say in the definition that the term "railroad" shall include any company or corporation owning or operating a railroad. Therefore, if a coal company bids a royalty and operates the mine for its own use, it is a railroad, and, under the terms of the act, is forbidden to sell coal.

Mr. MADDEN. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. MADDEN. Would it be a railroad company if it was not organized under the laws of a State?

Mr. MANN. It would, so far as this law is concerned, because of the definition. We can say that the term "railroad" shall include an aeroplane company, if we want to, for the purpose of the bill. Of course we do not change what the railroad is, but we define what the term "railroad" in the bill means. And under the terms of the bill there would be that trouble. I suggest that to the gentleman, so that he may think it over and possibly correct it.

Mr. STEPHENS of Texas. Will the gentleman from Illinois yield for a moment?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. I desire to ask the gentleman from Illinois if he does not think that the word "shall," in line 25, be stricken out and the word "may" be substituted, so that it will read "the Secretary of the Interior may, in his discretion, from time to time"?

Mr. MANN. Well, I have no objection to that; it probably means the same thing.

Mr. RAKER. Why not leave it "shall"? You are giving enough discretion now.

Mr. MANN. I think it means precisely the same thing whether you put it "may" or "shall." There is no difference in the meaning.

Mr. STEPHENS of Texas. I think "may" would be the better language.

Mr. RAKER. I believe this bill is intended to be workable, so that if anybody wants to get coal lands they ought to get them. Is not that right?

Mr. MANN. Certainly; but it ought not to be fixed so somebody can take offerings and prevent somebody else getting coal lands. I think they mean precisely the same thing in that place.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The question is on the amendment offered by the gentleman from Illinois.

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

Mr. MONDELL. Mr. Chairman, I offer an amendment, and I offer it to the proviso at the end of section 3, page 4.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

At the end of section 3, line 2, page 4, add the following:
"That nothing herein contained shall be held to prohibit a lessee from building and operating necessary branch, stub, or tap lines or connections."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

Mr. FOSTER. Mr. Chairman, just a moment.

The CHAIRMAN. Does the gentleman from Illinois desire recognition on the amendment?

Mr. FOSTER. Yes. Does that permit the building of a railroad, no matter how far it may be from the coal mines?

Mr. MONDELL. I think not. I think I should not offer it if it would have that effect. I am not personally favorable to the provision in the bill which allows railroads to mine coal for themselves. I doubt the propriety of it, but I do not propose to offer an amendment striking it out. The committee in their wisdom adopted it. I rather think the railroad companies ought to confine their operations to carrying freight, but that language was in the bill, and I think there is a question, as the gentleman from Illinois suggested, whether that might not be construed to prohibit a lessee building a branch connection of a railroad or stub line or tap line, and, of course, that is intended to prevent it.

Mr. FOSTER. What I was thinking about was this: That there are some places in the West where they have to go possibly 10 or 12 miles with a tap-line railroad, and they are organized as a railroad.

Mr. MONDELL. Sometimes as a tap line, as is the phrase.

Mr. FOSTER. And they issue bonds for that railroad and have a capital stock.

Mr. MONDELL. Where such a railroad is organized as a railroad as a common carrier, then it would clearly come under the classification of the bill; but the lines that I had in my mind, that are necessary, are the ordinary loading and connecting lines which are ordinarily not common carriers.

Mr. FOSTER. Well, I think that they share the profits of carrying coal over that particular line.

Mr. MONDELL. They do by a provision of law.

Mr. FOSTER. Now, I think what ought to be permitted is this: To put in tracks if necessary to get out their own coal; but whether they are to be permitted to organize a railroad and run that in connection with their mines is the question.

Mr. MONDELL. Well, it is certainly necessary, if a lessee leases a coal mine some distance from the main line, for him to have some facilities to get his coal to the main line, and quite frequently he has to build that himself, 1, 2, 3, 4, 5, 7, or possibly 8 miles. Those are stub or tap lines, as they are generally referred to, and I do not think they ought to prohibit the building of that sort of a line that may be absolutely essential.

Mr. FOSTER. I do not believe under this bill that they would be prohibited.

Mr. MONDELL. I am inclined to think they would. I had intended first to offer an amendment striking out that entire railroad provision, "that the term 'railroad' or 'common carrier' as used in this act shall include any company or corporation owning or operating a railroad, whether under a contract, agreement, or lease."

Mr. FOSTER. The gentleman does not think that will affect a little spur railroad that might be built to a coal mine? It seems to me that is part of the coal company, and not embraced in the term "railroad" or "common carrier."

Mr. NORTON. Will the gentleman yield for a question?

Mr. MONDELL. I do.

Mr. NORTON. Would not the objection that is made to the present form of the proposed law be met by an amendment providing that the railroad if operated might not give the company a right to sale of the coal for public use? After the word "operating," in line 23, page 3, add the words "for public use," so that the sentence would read, "the term 'railroad,' or 'common carrier,' as used in this act shall include any railroad or corporation owning or operating for public use a railroad, whether under a contract, agreement, or lease."

Mr. FERRIS. Does not the gentleman think the words "common carrier" embodies that and more? Does not the gentleman think that so long as there is a distinct definition of common carrier that any words you put in might be words of limitation and really do more harm than good? We were very anxious to have every railroad made a common carrier.

Mr. NORTON. What you want to do in this case is to limit the character of the railroad or common carrier that may operate.

Mr. FERRIS. If they are a common carrier they have to carry.

Mr. FOSTER. It does seem to me that it limits it to the common carrier for public use, and the amendment of the gentleman from Wyoming [Mr. MONDELL] is unnecessary.

Mr. LENROOT. Mr. Chairman, I am afraid that, conceding the desirability of an amendment, the amendment of the gentleman from Wyoming [Mr. MONDELL] will hardly reach it, because the language of his amendment is to save the lessees from the prohibition of the act against building certain railroads, whereas there is nothing in the section now to prohibit the building of railroads.

Now, as the gentleman from North Dakota [Mr. NORTON] has suggested, if there is any question, it can easily be cleared up by inserting as an amendment, in line 23, after the word "railroad," the words "as a common carrier," which was clearly the intention of the committee; and so far as the first part of the proviso is concerned, reading that "no railroad or other common carrier shall be permitted," and so forth, that clearly limits the term "railroad" to the common carrier. And if we should also, later on, insert the words "as a common carrier," the question raised by the gentleman from Illinois [Mr. MANN] will, I think, be fully met.

Mr. FOSTER. If the gentleman will permit——

Mr. LENROOT. Yes——

Mr. FOSTER. Here is a railroad that, say, is 10 miles long, running into a coal mine, carrying out the coal of that mining company, and possibly there are other coal companies there that it may go by on its way to the mine that owns the railroad. Do not you think in that case that if they are denominated "common carriers" here they ought to carry the coal from those other mines? Otherwise they would shut them out. If they are a railroad company, they ought to be limited only to the carrying of their own coal and nothing more.

Mr. LENROOT. What is it that the gentleman suggests?

Mr. FOSTER. Whether they should be defined here as a "common carrier" or limited to carrying only their own coal, so that they could be made to do it?

Mr. LENROOT. If the gentleman could suggest any language that would limit it as he desires, I would be glad; but when you open the door once and say this shall not apply to common carriers, then you have exactly the situation that exists in Pennsylvania, and you open the door wide.

Mr. FOSTER. I think the language is all right.

Mr. NORTON. Mr. Chairman, will the gentleman from Wisconsin yield?

Mr. LENROOT. It seems to me that if there is any point raised by the gentleman from Illinois, that construction of it will hardly bear out his contention, because it can be fully cured by an amendment such as I have suggested.

Mr. BORLAND. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Missouri [Mr. BORLAND] moves to strike out the last two words.

Mr. BORLAND. Mr. Chairman, it does not seem to me that this amendment of the gentleman from Wyoming [Mr. MONDELL] is necessary at all. There are two kinds of tap lines, or two kinds of railroads that are ordinarily classed as tap lines. One is the tap line proper that is connected with a coal mine or a sawmill or a steel works or some other industrial enterprise. It is necessary for them either to reach their source of supply or to get their goods out to some trunk-line railroad.

Now, if it were a tap line, pure and simple, connected with a coal-mining company, it would not be a common carrier. The fact that the coal mine owned such a tap line would not militate, as I understand, against its right to take a lease. But if they had done what the gentleman from Wyoming says—that is, have organized a railroad under a separate corporate name and issued stock and bonds upon it and had undertaken to carry not only their own goods but the goods of other people, then they ought not to be engaged also in the mining of coal.

That is what this language undertakes to forbid. If they want to run a railroad, let them get out of the coal business. If they are running a coal mine with a tap line pure and simple connected with it, they are not forbidden by the language of this bill to do so. If you add any language to this bill at all, you will confuse that clear-cut difference between what is a *tap line and a common* carrier. If it is a separate corporation, then what the gentleman from Illinois has pointed out is exactly the case. Another coal mine on the line of that road ought to have the right to use it on equal terms, and it should not be allowed to engage in the mining of coal in competition with its customers.

That is the clear distinction. Here we get clearly the distinction between a tap line, properly so called, and a common carrier holding itself out to transport the goods of all concerned. If you add any language to this, you will confuse that issue.

Mr. LENROOT. Mr. Chairman, the gentleman from Illinois [Mr. MANN] makes the point that the word "railroad" would include a tap line, although it was not a common carrier.

Mr. BORLAND. I do not agree with him on that. I heard his argument on that point, but I do not think that is the case. There is a clear distinction between a company mining coal and a company running a railroad, and it says the railroad company shall not be engaged in mining coal.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of 12 minutes——

Mr. MONDELL. I would like to have two minutes.

Mr. STAFFORD. I would like to have five minutes.

Mr. FERRIS. I ask unanimous consent that at the expiration of 12 minutes, 2 minutes of which shall be occupied by the gentleman from Wyoming [Mr. MONDELL] and 5 minutes by the gentleman from Wisconsin [Mr. STAFFORD] and the remainder to be used by the committee, the debate on this amendment shall close.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of 12 minutes the debate on this amendment shall close. Is there objection?

There was no objection.

Mr. STAFFORD rose.

The CHAIRMAN. The gentleman from Wisconsin [Mr. STAFFORD] is recognized for five minutes.

Mr. STAFFORD. Mr. Chairman, I quite agree with the point made by the gentleman from Illinois [Mr. MANN], that the existing phraseology might prevent a coal company proper from building a spur line to get the coal from its mine out to the main line of a railroad, and I think the amendment suggested by my colleague [Mr. LENROOT] would meet that condition.

But I rise more to make an inquiry of the gentleman from Oklahoma [Mr. FERRIS] on a kindred subject. This limitation in the proviso on page 3 restricts the railroads from obtaining any of these coal lands except in the limited quantities acquired by lease, but I do not find in the bill any limitation upon these railroads acquiring title to coal lands other than by lease; that is, by purchase.

Mr. FERRIS. Our thought was not to modify the old law one way or the other.

Mr. LENROOT. Under the general law railroads can not acquire it at all.

Mr. FERRIS. That is true, and we did not modify it.

Mr. STAFFORD. They can acquire it to a certain extent for their own use.

Mr. FERRIS. They buy it from the coal companies.

Mr. STAFFORD. I was thinking that perhaps it would be advisable to have phraseology similar to that which was incorporated in the Alaskan railroad bill, which specifically prevented their holding more than a limited amount of coal lands.

Mr. LEVY. Will my colleague allow me?

Mr. STAFFORD. I am very glad to yield to the gentleman.

Mr. LEVY. Would it not be cheaper and more beneficial to the people to allow the railroads to mine coal and to sell it direct?

Mr. STAFFORD. Oh, it is generally accepted that the policy of the country should be to separate the railroads as common carriers from any other activity. That has been the accepted policy of the Committee on Interstate and Foreign Commerce in this House, in all the legislation that it has reported, and the committee here is trying to carry out that idea.

Mr. LEVY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The Chair will say to the gentleman from New York that debate has been limited.

Mr. NORTON. I think the objection made to the phraseology of the last sentence on page 3 is well taken. The definition given of the word "railroad" or "common carrier" in that sentence is that it shall be, as used in this act, "any corporation or company owning or operating a railroad." That definition might include a small stub railroad operated by a coal company for private use, and if the coal company owned or operated under lease such a spur or stub railroad, the proviso in this section would bar the coal company from engaging in the sale of coal. I believe the amendment I suggested, after the word "operating," in line 23, to add the words "for public use," would be improved by the suggestion made by the gentleman from Wisconsin that after the word "railroad" the words "as a common carrier" should be added. That certainly defines the kind of a railroad intended and makes it clear that the inhibition shall not work where the railroad is operated by the coal company for private use. Mr. Chairman, I offer as a substitute for the amendment offered by the gentleman from Wyoming [Mr. MONDELL] the following: That after the word "railroad," in line 23, the words "as a common carrier" be added.

The CHAIRMAN. The gentleman from North Dakota [Mr. NORTON] offers an amendment to the amendment of the gentleman from Wyoming. The Clerk will report it.

The Clerk read as follows:

Page 3, line 23, after the word "railroad," insert the words "as a common carrier."

Mr. FERRIS. Mr. Chairman, I do not want to go beyond the time limited. I think under the arrangement the gentleman from Wyoming [Mr. MONDELL] was to have two minutes and I was to have three minutes, and if the gentleman will proceed I will wait.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] is recognized.

Mr. MONDELL. Mr. Chairman, I am not certain but that the substitute which has been offered would serve the purpose of the amendment which I have proposed. As I ran through the bill some time ago it occurred to me that as this proviso occurs in the bill there was some question as to whether it might not interfere with the building of tap lines. I certainly do not want to offer any amendment which would extend the rights or opportunities of railroads in the mining of coal. I would be inclined to strike out the provision that is already in the bill rather than do that. But clearly we must not prevent coal miners or mining companies building the necessary tap and branch lines for the carrying of their products.

Mr. STEPHENS of Texas. Will the gentleman point out anything in this section limiting the right of anyone?

Mr. MONDELL. It has been pointed out a half dozen times.

Mr. STEPHENS of Texas. There is nothing said about building railroads.

Mr. MONDELL. If the gentleman will be good enough to read lines 21 to 23, and particularly line 23, where the word "railroad" is used, he will find that the committee have defined what constitutes a railroad, and under that definition, unless it is modified as suggested by the gentleman from North Dakota,

any sort of road for the carrying of coal would be a railroad. and the owners or proprietors of a railroad can not secure a lease to mine coal except for railroad purposes. If a lessee were therefore to build a branch or tap railroad he might forfeit or limit his lease.

Mr. FERRIS. Mr. Chairman. I do not look with any hostility either on the amendment of the gentleman from Wyoming or of the gentleman from North Dakota; but, as the House well knows, we are trying to do two well-defined things, and do them as well as we can. First, we are trying to divorce transportation from production, and I think everybody agrees that that ought to be done. Second, we are trying to make every railroad out there hauling coal a common carrier, so that they will haul for Mr. A., Mr. B., and Mr. C. with equal facility and at equal rates. I think everybody will agree that those things are necessary. Now, this section was not thrown together quite as hurriedly as some gentlemen may think. One member of the committee took this down to the Department of Justice and went over it with them, and took it next to the Interstate Commerce Commission, and afterwards Secretary Lane gave his personal attention to it. While I do not want to go hurriedly by the suggestions of any gentleman here, I am afraid that if we add words of limitation, provisos, and what not, we may do something that we do not want to do; and without having any feeling about it one way or the other, I really hope the Committee of the Whole will leave the language intact. If it should develop that we were mistaken about it—which I do not think it will—we will have ample chance to catch it before we get through with this legislation, either in the Senate, in conference, or somewhere. As the House well knows, the gentleman from Illinois [Mr. MANN] is so careful in his scrutiny of all these things that if he had felt very keenly about this he would have offered an amendment himself. He did make a suggestion, but he did not offer an amendment and did not press his suggestion. So it seems to have been a passing fancy of his. This section has been gone over so much and worked out so carefully that I really hope the committee will keep it intact.

Mr. NORTON. What is the gentleman's interpretation of the word "railroad," in line 23? Is it his interpretation that, as it stands, it means a railroad used as a common carrier?

Mr. FERRIS. Our thought was that every railroad company that came under this law at all should be a common carrier; and we wanted to impose that provision so that they might not haul their own coal and oppress other people by claiming that it was a stub line or a tap line or a branch line, and that they hauled for no one but themselves.

Mr. BORLAND. I do not think the gentleman quite means that. If a coal company is a common carrier, then, under that proviso, it could not mine coal at all, except for its own use as a common carrier.

Mr. FERRIS. Precisely; and it should not do so.

Mr. BORLAND. The gentleman did not mean a coal company, he meant a railroad company. He said "coal company," but that was clearly a mistake.

Mr. FERRIS. I thank the gentleman for correcting me. That was a mistake.

Mr. NORTON. A great many of us are not of the opinion that all railroads are necessarily common carriers. A road may be a private railroad, as differentiated from a railroad that is a common carrier.

Mr. FERRIS. Does not the gentleman think that any railroad that hauls coal from Government-leased land ought to be a common carrier? Does not the gentleman think that, where the people have suffered as much as they have in the anthracite region, we ought to insist on every railroad being a common carrier?

Mr. NORTON. That would be an argument in favor of the qualifying words.

Mr. FERRIS. I can not follow that argument. Mr. Chairman, I will leave it to the House, and I ask for a vote.

The CHAIRMAN. The time of the gentleman has expired, and all time has expired. The question is on the substitute offered by the gentleman from North Dakota to the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. STAFFORD) there were 16 ayes and 23 noes.

So the substitute was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 2, line 15, after the numeral 3, insert:

"That the Secretary of the Interior is authorized to issue to any applicant authorized under this act an exclusive license to prospect and explore the coal lands or deposits of the United States subject to lease under this act. No such license shall pertain to an area of more than 3,200 acres or shall be issued for a longer period than two years. All licensees shall pay yearly in advance a license fee of 10 cents per acre for the first year and 25 cents per acre for the second year covered by the license."

Mr. MONDELL. Mr. Chairman, I intend to offer a substitute to this section modifying the plan of lease proposed. I do not expect, of course, that the committee will accept that substitute without further consideration than they can now give it, but I want it in the RECORD in the hope that elsewhere some such modification will be had. But whether or not we modify this plan of lease, it is absolutely essential that we shall make some provision in this law for preliminary prospecting. We have done that in the case of oil lands and in the case of other lands, and it is even more important in the case of coal than it is in the case of oil lands. I realize that it is a little bit difficult to ingraft on this section in its present form a provision for a preliminary exclusive prospecting permit, because the question would at once arise, If the prospector at the end of the period is to meet all comers in competition, what does he gain by his labor and his investment during the prospecting period?

I have had some experience, which I have referred to here in the matter of prospecting for coal. I went into a field many years ago where no coal was known to exist. I accidentally found a very small cropping, a vein not over 8 inches in thickness, of a coal that could not possibly be advantageously mined unless it were 4½ or 5 feet in thickness. It took two years and a half of the hardest kind of prospecting to develop that field. We drove over 200 test drifts from 10 to 300 feet before we finally located a body of coal large and good enough to pay to open a mine. But a great mine was eventually developed there, and it has been producing coal ever since. That was a somewhat unusual case. And yet conditions all over the public domain are such that you will scarcely find a case where a new operation will not require a preliminary period of prospecting. It is true that mines already located, knowing the thickness and quality and dip of their veins, can lease adjacent land without preliminary work.

The preliminary work has been done. Let us remember that this applies to millions of acres of land far away from present lines of communication, where there is no development and no one can open a mine in a region of that kind without a very good period of prospecting.

Let me give you the experience of one coal company. They went in and built a model coal camp; they expended half a million dollars. They did not take great care in the prospecting of their property, although they had an exposure along the entire face of the property. Within a year and a half that mine began to show signs of giving out; in three years it was practically worthless, and that great investment in the way of a mining camp, town, schools, churches, library, was practically worthless property. They had not prospected sufficiently. The vein thinned out at one point and its character changed at another, and the property was practically worthless.

A great deal of the coal land of the United States can only be reached by shafts. No one will lease coal lands and pay a fair leasing price unless they know how the coal lies, how thick and of what quality it is, whether it is specially or peculiarly distributed. Even though there be a cropping of the vein, there must be a careful prospecting of that cropping to ascertain whether or not the coal runs about the same in quality along the cropping, whether or not partings increase or decrease, whether the coal thins or thickens as it follows the cropping or extends under cover. All these things must be developed.

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

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

Mr. FERRIS. Mr. Chairman, I ask at the expiration of seven minutes that all debate on this amendment be closed.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on this amendment close in seven minutes. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MONDELL. Mr. Chairman, it may be that the committee will feel that inasmuch as a preliminary prospecting permit does not attach very well to a plan of competitive bidding, they can not accept my amendment; but nothing can be clearer to

those who are familiar with this situation, and it affects our whole western country, than that some provision must be made for an opportunity to prospect in advance of lease. We want to see development under the law, and therefore we want the law workable. I have thought that perhaps there is a line or two in the section giving special powers to the Secretary, under which the Secretary might himself work out a prospecting period, but he could not make it exclusive, I feel confident, without assuming authority which the bill does not justify.

Mr. BORLAND. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. BORLAND. Suppose the gentleman's amendment were adopted, what rights would the licensee acquire in case he discovered a vein of coal?

Mr. MONDELL. He would acquire none as the bill now stands. If the bill becomes a law, which I hope it never will, under this plan of competitive leasing, the preliminary prospecting would give no special advantage to any particular person. Nevertheless there remains the need of such a provision.

Mr. BORLAND. Is not the gentleman's plan at war with the whole idea of competitive leasing? Is not the gentleman starting on the idea of a preemptive right?

Mr. MONDELL. My own view is at war with this proposition of competitive leasing, because I do not think it will work; but there can be a preliminary prospecting period, as you have in this bill in the matter of oil, for instance, and still retain the provision with regard to competitive bidding. Of course, in that case the prospector would simply have to take his chances with others. But I will say to the gentleman, with some experience and some knowledge of the way coal has been developed in that western country in the past, that I am confident it will be practically impossible for anyone to start a new operation anywhere without an opportunity for preliminary prospecting. It is true anyone can go on the public domain anywhere now and prospect and dig and probably not be interfered with, but there is always a liability of interference if one digs to a considerable depth on a coal vein.

The difficulty with the whole plan of the bill is that it puts the whole question of royalties and question of rights up to auction. The result of that, in my opinion, will be that only very wealthy coal companies will be able to or will make leases under this law, where there is any competition whatever. The bill does not even give an opportunity for the bidder to increase the royalty, but is evidently based on the theory that he shall bid a bonus, and that the largest bonus shall take the lease. If that means anything at all, it means that unless a man has more cash in hand at the time he makes his bid than anyone else, he can not hope to get a contract or a lease under this bill.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. STEPHENS of Texas. Is there anything in this bill that would prevent a man giving up his lease at the expiration of the lease term unless he found something of value, and would he not do that?

Mr. MONDELL. There is nothing to prevent a man giving up the land at the end of the lease term, but that question, if the gentleman from Texas will allow me to say it, without intending to reflect upon him, is ridiculous. The right to give up a lease does not help a man. Of course he could surrender it, but no one is so foolish as to do that sort of thing—to take a lease without knowing what he is getting. Before anyone will make a lease he must know the thickness of the vein, its quality, its dip, its location, and have some knowledge of where a mining plant can be advantageously established, and it is only through the possession of that knowledge that anyone can afford to bid or pay or promise to pay a good royalty. Otherwise they are taking a pig in a poke—a chance in the dark.

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

Mr. FERRIS. Mr. Chairman, the gentleman from Wyoming seeks to inject into this section of the bill a long preliminary permit provision which has no place here. It would throw the bill all out of joint, would not be workable, would raise the area from 2,560 acres to 3,200 acres, and has no place in the bill at all. There are 53,000,000 acres of coal land withdrawn. Twenty million acres of that has been classified and offered for sale. So the areas of coal are known. It is not like oil and other unknown minerals. No preliminary permit is here necessary, and I hope that the amendment will not be adopted.

Mr. MONDELL. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. MONDELL. The gentleman understands that in making my permit area larger than the lease area, the idea is to give the lessee an opportunity to select within the permit area the smaller area that he would later lease.

Mr. FERRIS. Oh, I know; but the coal areas are all known. Such an amendment has no place here. It sounded like it consisted of an entire bill, which would not fit here at all. No one can, from the very nature of things, grasp such a long amendment. It was never presented to the committee; we would not know what we were adopting if we adopted it; it should not go in.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken, and the amendment was rejected.

Mr. SELDOMRIDGE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of section 3, top of page 4, after the word "carrier," in line 2, add the following:

"*Provided further*, That upon relinquishment or surrender to the United States within six months from the date of this act by any locator of his or their claim to any unpatented coal lands included in an order of withdrawal upon which coal had been discovered the Secretary of the Interior may, in his discretion, grant, on such reasonable terms and conditions as he may prescribe, to such locator a preferred permit to occupy the said lands so relinquished and to extract the coal therefrom, not exceeding, however, the maximum area of 2,560 acres to any one person, association, or corporation, said permit to be conditioned upon the payment by the permittee of a royalty provided for by the terms of this act upon coal produced from said premises of each permit; and the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as he may deem necessary and proper for the purpose of carrying the terms of this proviso into full force and effect; and all permits or assignments thereof shall be subject to such rules and regulations, and the failure of any permittee or of his successors to comply with the terms and conditions of the permit shall work a forfeiture of the same, to be declared by a court of competent jurisdiction."

Mr. SELDOMRIDGE. Mr. Chairman, the purpose of this amendment is to give preferential leasing rights to certain individuals in the West who made coal entries during the years 1906 to 1910, inclusive, a period in which many withdrawals of coal lands were made and upon which many entries had been filed. In the State which I have in part the honor to represent I know that many of these entries were made and were suspended by the Interior Department on account of these withdrawals. It may be urged that such entries were made in full knowledge of the orders of withdrawal, but, Mr. Chairman, I believe that a large number of them were made in ignorance of the orders or else were made in the belief that they were not authorized by law, and that the administrative officer issuing said orders had exceeded his authority.

Mr. LENROOT. Will the gentleman yield?

Mr. SELDOMRIDGE. Presently I will. The land office today has upon its records a large number of these entries which are in a certain sense suspended and upon which no definite action has been taken. I believe, Mr. Chairman, under the law as we have it that these entries are not valid, and that these individuals who have expended labor and money in the prospecting and development of coal lands can not receive title. I do not think that, after having prospected the land, having given value to it, having attempted to develop coal mining, where they are willing to surrender to the Government whatever title they may believe themselves to be possessed of, the Secretary of the Interior, under certain rules and regulations which he may prescribe, may give to these individuals a preferential lease. In other words, that they should have a preferential right in the granting of a lease on the land upon which they have already filed. Now I will yield to the gentleman.

Mr. LENROOT. Were these entries made under the coal-land laws or provisions?

Mr. SELDOMRIDGE. I think that they were made in accordance with the laws of the United States, and that they would have been valid entries except for the withdrawal orders.

Mr. LENROOT. But does the gentleman think if an entry is made under the agricultural land laws on coal lands, that those men should have a preferential right?

Mr. SELDOMRIDGE. No, sir. I do not think any validity should be given to any entry made on agricultural land for the purpose of developing coal; but I think where they have been made under the coal-land laws that they should be recognized in this way.

Mr. LENROOT. If the entries were made under the coal-land laws, when the coal lands are classified they can secure their land by paying the price.

Mr. SELDOMRIDGE. They can secure title, but the price which has been fixed upon the land by the Department of the Interior is so high that it would not justify its purchase.

Mr. LENROOT. Does the gentleman think that that fact gives them an equitable right in the premises against other men——

Mr. SELDOMRIDGE. I think they have a right when they have demonstrated the existence of coal and have labored energetically and industrially in the development of the country to that extent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SELDOMRIDGE. Mr. Chairman, I ask that I may have three minutes more.

The CHAIRMAN. The gentleman from Colorado asks unanimous consent to continue for three minutes. Is there objection?

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of eight minutes all debate on this amendment shall conclude.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the expiration of eight minutes the debate on this amendment shall conclude, three minutes of that time to go to the gentleman from Colorado. Is there objection? [After a pause.] The Chair hears none.

Mr. SELDOMRIDGE. The chairman of the committee stated upon the floor to-day that there were some 53,000,000 acres of coal lands in the United States, of which 20,000,000 have been classified, leaving 33,000,000 acres unclassified. The department advises me that, up to June 30, 1907, according to the report of the Commissioner of the General Land Office, the law of 1873 had brought about the purchase of only 500,000 acres of coal lands. The Commissioner of the Land Office in the same report further states, as showing the futility of the law, that less than 500,000 acres of coal land had been patented under it. The patents issued under the present law from 1906 to 1913 number 1,104. In other words, the law of 1873, which we are now seeking to reenact, is not in its terms adapted to the development of coal mining in the United States. The provisions of the act are so burdensome that individuals and associations will not purchase coal land in any quantity. I think this conclusion is fully justified by the Land Office reports. I believe that the amendment which I have proposed is in line with equity and fairness and that individuals who have honestly and industriously attempted to develop the coal areas of the West should have some preference given to them in the granting of leases if they so desire. The amendment provides all proper safeguards and gives to the Secretary of the Interior full power to protect the rights of the Government.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAYLOR of Colorado. Mr. Chairman, I want to corroborate what my colleague, Mr. SELDOMRIDGE, says. There were a number of Colorado citizens who, in perfect good faith, located coal claims of 160 acres each under the law and under the rules of the department that gave them specific right to do so, and afterwards those rules were repudiated or withdrawn by the Department of the Interior, and those parties have never been able to obtain title. I introduced a bill for their relief authorizing them to perfect title to the land, and while I have never been able to get a favorable report from the department on the bill, the department was not in favor of letting them perfect their title to the land, nevertheless I see no reason why they should not be given the preferential right to lease that land. It seems to me that would be a fair and equitable proposition, and I think this amendment or something similar ought to be adopted to protect the equitable rights of a number of bona fide coal entrymen.

Mr. FERRIS. Mr. Chairman, I shall not try to debate the merits or demerits of the amendment proposed by the gentleman from Colorado. I do not know all it contains or all that it does not. The gentleman from Colorado [Mr. SELDOMRIDGE], I assume, is trying to render assistance and service in a situation to which he calls attention. However, his amendment is so long and the provisions of it are so long I doubt if the committee ought to accept it, and I doubt whether it ought to accept an amendment which goes so far. The gentleman has been conferring with the department about it, and, as I understand, they have not yet reached a conclusion sufficient to make a report on it.

Mr. SELDOMRIDGE. Mr. Chairman, will the gentleman yield?

Mr. FERRIS. Yes.

Mr. SELDOMRIDGE. Would the gentleman be willing to allow this amendment to remain pending for two or three days and then be taken up by unanimous consent later?

Mr. FERRIS. I hardly think that would be feasible. But at the end of the bill, under the five-minute rule, if the gentleman can get unanimous consent, he can ask to return to it in the bill. Otherwise, Mr. Chairman, we might open up a Pandora's box of twisted conditions that ought to be avoided. A measure similar to this was offered as an amendment to the Alaskan coal-leasing bill, and it was voted down unanimously. I take it that the gentleman's amendment is well intended; but in any event an amendment as important as this is and which seeks to operate as this does ought to be very carefully considered and should be considered in fact as an independent bill.

Mr. STEPHENS of Texas. Mr. Chairman, will the gentleman yield there?

Mr. FERRIS. Yes.

Mr. STEPHENS of Texas. I desire to call the attention of the gentleman from Colorado [Mr. SELDOMRIDGE] to the fact that the wording of section 2 of the bill, on line 6 of page 2, is:

> That coal lands or deposits of coal belonging to the United States, exclusive of those in Alaska, may, unless an offering, an application for offering, or an application for lease is pending hereunder, be acquired in accordance with the provisions of sections 2347 to 2352, inclusive, of the United States Revised Statutes, and acts amendatory thereof or supplemental thereto, or such lands or deposits may be leased, as hereinafter provided.

That seems to be exempted from the operation of this bill. Why is this language in the bill unless it covers such cases as the gentleman from Colorado refers to?

Mr. FERRIS. If the gentleman will pardon me, I would say that what the gentleman from Colorado [Mr. SELDOMRIDGE] desires to do is to relinquish lands under the old law and take up the same lands under the new law. There would be the questions whether they have made the required payments and have complied with the old law, and have exercised due diligence with reference to the mining of coal, and all those and other similar questions would come in to such an extent that I hope that the amendment will not be agreed to at this time.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Colorado [Mr. SELDOMRIDGE].

The question was taken, and the amendment was rejected.

Mr. MONDELL. Mr. Chairman, I move to strike out all of section 3, after line 13.

Mr. FERRIS. Does the gentleman desire to be heard on that?

Mr. MONDELL. Very briefly.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the end of five minutes the debate on this amendment close.

The CHAIRMAN The gentleman from Oklahoma is not in order. The gentleman from Wyoming will again cite his amendment.

Mr. MONDELL. My amendment is to strike out all of section 3, page 3, after line 13.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Strike out all of section 3, on page 3, after line 13.

Mr. MONDELL. Mr. Chairman, the bill, as it is reported, prohibits railroad companies from securing leases except for the purpose of mining coal for their own use. My amendment would make the prohibition absolute and would prevent a railroad company from securing a coal lease.

I realize that there are some arguments in favor of allowing railroad companies to mine coal for their own use. I doubt, however, whether in many instances railroad companies could afford to lease these coal lands and mine coal solely for their own use. What I would expect if this bill becomes a law in this form is that after the leases were made that Congress would pass a law relieving the railroad companies from this limitation of use. Then we shall have a condition that will not be satisfactory.

There is not any great necessity for a railroad company to operate a coal mine even for its own use any more than to go into other lines of business to supply itself with material. We have in the commodity clause of the Hepburn Act a prohibition against railroad companies carrying commodities which they produce or manufacture. I believe that provision has been somewhat modified by a Supreme Court decision, has it not? I will ask my friend from Wisconsin.

Mr. LENROOT. They are permitted to carry their own products.

Mr. MONDELL. I understand. Our experience in this country in connection with the ownership of coal mines by railroad companies has not been altogether a happy one. I do not believe that in the main it has been in the interest of the carriers themselves. I know of no reason why a railroad can not buy its coal as it buys its ties and rails and other materials; and I believe, while no harm, perhaps, would come from the provision contained in the bill, if that provision is always to be strictly enforced and interpreted there is great danger that after you open the doors, after you have given the opportunity to lease, it will be made so clear and manifest to every reasoning and reasonable man that it is practically impossible to operate a coal mine or most coal mines for the purpose of supplying coal for one particular use that some Congress, anxious to do justice, not realizing the injurious effect, would finally wipe out

this limitation, this restriction, and that eventually we shall go back to the system we have been trying to get away from, where railroads compete with private parties in the production of commodities.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Wyoming.

Mr. TALCOTT of New York. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York [Mr. TALCOTT] moves to strike out the last word.

Mr. TALCOTT of New York. On line 20, of page 3, is the expression "200 miles of its line in actual operation." Does that refer to a single-track line or a double-track line, or are they all put on the same basis?

Mr. FERRIS. I think they are. It means linear miles.

Mr. TALCOTT of New York. Does it place a road of one track on the same basis as a road of two or three or four tracks?

Mr. FERRIS. My answer was only a hasty answer.

Mr. TALCOTT of New York. It seems to me that it would be unfair to impose the same limitation on a double-track road that you would impose on a single-track road. The necessity for coal would be greater on the former than on the latter.

Mr. FERRIS. It was thought that they should have the right to have only one mine on 200 miles of line, and one mine only. If you gave them more than that they would dabble into every other field and become competitors with other concerns, and it was a question as to whether or not they should have even this much. The committee did all for them that the department would agree to.

Mr. TALCOTT of New York. This relates to cheapness of transportation, not for this year alone, or for the next 10 years, but for a long time to come. Here is an opportunity to provide an inexhaustible supply of fuel for transportation purposes on terms that will protect the interests of the public.

Mr. FERRIS. I will say to the gentleman from New York that if there is anything burdensome about it, the railroads will make their wants known. I think we have done all we can for them.

Mr. JOHNSON of Washington. Mr. Chairman, I move to strike out the last two words.

Mr. FERRIS. How much time does the gentleman desire?

Mr. JOHNSON of Washington. Five minutes.

Mr. FERRIS. I ask unanimous consent, Mr. Chairman, to close debate on this section and amendments thereto in five minutes.

Mr. MONDELL. I hope the gentleman will modify that. I want some time.

The CHAIRMAN. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that all debate on this section and amendments thereto close in five minutes. Is there objection?

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to modify the request, so that debate shall close at the end of 10 minutes.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that all debate on the pending amendment be closed in 10 minutes. Is there objection?

There was no objection.

Mr. JOHNSON of Washington. My good friend the gentleman from Illinois [Mr. THOMSON] insists that my colleague [Mr. HUMPHREY] and myself must learn some new history concerning the discovery and occupation of the Oregon country, comprising in these days the States of Washington, Idaho, and Oregon. The gentleman from Illinois proclaims that the far Northwest, beyond the Rocky Mountains and north of California, was a part of the Louisiana Purchase. He admits, however, that such a claim was based on a treaty of ambiguous construction.

To sustain his contention that our great Oregon country was bought and paid for the gentleman from Illinois [Mr. THOMSON] read from the Public Domain, a Government document written in 1880 and published in 1884 by Thomas Donaldson, the then authority on the public lands.

In that bulky volume Mr. Donaldson devoted a few lines to the Oregon country, in which he stated that all of the Northwest came into the Union under the purchase of Louisiana by Jefferson for $15,000,000.

Now, then, Mr. Chairman, in that same volume, written nearly 35 years ago, Mr. Donaldson, who in 10 lines settled the history of the Northwest, made a remarkable prophecy. After stating that the immigration of 1879 and 1880 was more than 450,000 persons, he solemnly declared:

The quantity of land taken in the arable region in the year ending June 30, 1880, was about 7,000,000 acres. At the same rate of absorption the arable land so situated in the United States will all be taken within five years, or by June, 1885.

Thirty-four years have gone by, immigration has increased to more than a million a year, the Government has locked up half of its best remaining lands, and still we find the House this afternoon in Committee of the Whole House, with about 30 Members present, wrestling with the intricate problems propounded in the third of the so-called leasing bills, by which it is proposed to turn our Western States into provinces; that is, great areas—nearly half a State in several cases—may never come under control of a governor and a legislature, but shall go on and on, from one 50-year period of Federal leasing to another 50-year period, and always under the control of some Federal bureau.

But that is another story. Mr. Donaldson was neither a historian nor a prophet. His statement that the arable public land would be all gone by June, 1885, stamps him as the first of the "dream book" authors who have written so much of misstatement and misinformation concerning the West. In view of his very bad prophecy, I can not give much credence to his statement that the United States purchased Washington and Oregon as a part of the Louisiana Territory. No historian supports that statement. I can find no school history or any other history which sustains that theory in full.

Mr. Chairman, inasmuch as it took Great Britain and the United States 50 years to settle the Oregon dispute, I doubt if the gentleman from Illinois and myself can come to an agreement in the few minutes time granted to us. Therefore I shall, under permission granted, extend my remarks by quoting from the opening chapter of The History of Washington, by Clinton A. Snowden, of Tacoma, which deals most interestingly with the rise and progress of a great American State.

Mr. Chairman, the history of Washington is a part of and essentially the same as the history of Oregon during its earlier years. Mr. Snowden says:

"THE OREGON COUNTRY.

"The Washington of to-day was originally a part of that vaster Oregon which extended from California, then a part of Mexico, on the south, to an undefined boundary—by many claimed to be the line of 54° 40′ north, or the southern boundary of Alaska, but finally fixed by the treaty of 1846 at the forty-ninth parallel—and from the Pacific Ocean to the summit of the Rocky Mountains. Until California was acquired, at the close of the Mexican War in 1848, Oregon was the only Territory owned or claimed by the United States bordering on the Pacific, and its possession has made desirable, if indeed it has not made necessary, the possession of all that has since been acquired there, including Alaska and the Hawaiian Islands.

"The value of this vast region was for many years but lightly regarded either by our Government or its people. It was the first Territory to be acquired by a new government not yet ambitious to become a world power nor anticipating the vast destiny which was, within a hundred years, to give it a preponderating influence in the affairs of mankind. * * *

"For many years the Rocky Mountains were regarded as our Nation's natural western boundary. Few even among those who most staunchly and persistently defended our title to the Columbia River Country, as it was called for many years after Gray's discovery, did so in the expectation that it would ever become a part of the United States. Their utmost hope was that it would be inhabited by a kindred people, with institutions and a government similar to our own. This was the whole expectation and hope of Jefferson, of Jackson, and for many years of Benton, and many others, in regard to it.

"DISCOVERY, EXPLORATION, AND SETTLEMENT.

"It is the only territory the United States has ever acquired by discovery, exploration, and settlement; the only territory that cost us nothing in cash by way of purchase or by the use of military or naval force. It was in the diplomatic correspondence in regard to it that what we now know as the Monroe doctrine was first declared by John Quincy Adams, who was then Secretary of State in Mr. Monroe's Cabinet.

"This territory was temporarily lost to the United States during the War of 1812, but England was compelled to restore it in 1818, agreeable to the provisions of the treaty of Ghent. We then permitted a British monopoly to occupy and control it for a period of more than 20 years, during which our ships were practically driven from its waters and our traders were unable to do business within its borders, although guaranteed equal privileges in it with the subjects of Great Britain, by the faith of both nations solemnly pledged. The only law enforced or respected in it was British law, and the only constituted authorities were British authorities.

"A condition so anomalous probably never before prevailed for so long a time in any country in the world, and it might have much longer continued but for the courage, the patriotism, and the moderation of the early pioneers, who heroically forced their way through 2,000 miles of wilderness, inhabited only by savages and wild beasts, founded a government of their own, and completed the national title to the country by a claim that could no longer be disputed or resisted.

DESTINED TO DENSE POPULATION.

"The magnificent empire, whose early history was so varied and interesting, originally comprised all that is now included within the boundaries of Oregon, Washington, and Idaho, and a considerable part of Montana and Wyoming. Its area, according to the limits finally fixed by the treaty of 1846, was something more than 288,000 square miles. It was larger than Texas and more than four times larger than the six New England States, which now support a population of more than five and one-half millions.

"It is possibly capable of supporting a population as dense as that of the German Empire, which now amounts to more than 60,000,000 people. It is altogether within the bounds of expectation that it will at no very distant day be one of the most densely populated parts of the United States. Its maritime and manufacturing possibilities are very great, and while there is some waste land along the tops of its mountain ranges and a few strips here and there of sandy deserts, its fertile valleys and great interior plains of volcanic ash and rich alluvial deposits are especially adapted to a high state of cultivation and will in the near future give support and profitable employment to a vast army of people."

FAMOUS PIONEERS.

Mr. Chairman, I wish that I felt at liberty to quote further from this most excellent history of the Evergreen State. I would like, also, to quote from Prof. Edward S. Meany's history and tell you of Capt. Robert Gray's discovery in 1792 of the Columbia River and of Grays Harbor, my home.

I would like to tell the story of John Jacob Astor, of Capt. B. L. E. Bonneville, of Dr. John McLoughlin and the Hudson Bay Co. on the Columbia, of Dr. Marcus Whitman's ride, of Gov. Isaac I. Stevens, and of all the others who contributed to make the "discovery, exploration, and settlement" of that country stand out strong in the history of the United States.

"FIFTY-FOUR-FORTY OR FIGHT."

The story of "Fifty-four-forty or fight," too, is most interesting. The Americans and British had been living in the country under a joint occupancy. President Polk, on April 28, 1846, gave notice to Great Britain that the United States would abrogate the joint occupancy treaty at the end of one year. A new treaty was proposed, and President Polk sought the advice of the Senate. This caused Daniel Webster, at a banquet given in his honor in Philadelphia on December 2, 1846, to declare sarcastically:

Now, gentlemen, the remarkable characteristic of the settlement of this Oregon question is this: In the general operation of government treaties are negotiated by the President and ratified by the Senate; but here is the reverse; here is a treaty negotiated by the Senate and ratified by the President.

DEBATE AND DIPLOMACY.

Concerning this treaty Prof. Edward S. Meany, in his "History of Washington," says, in a paragraph which I call to the attention of those who think we bought the Oregon country:

The battle of debate and diplomacy was ended. American sovereignty in Oregon was actually established. If we accept the dictum of the civilized world that sovereignty over a new land may be acquired by the three fundamentals of discovery, exploration, and occupation, the magnitude of the triumph of 1846 will at once become apparent. Narrowing the contest down to that between the United States and Great Britain, it is seen that the first claims of the United States were based on the discoveries of Gray in 1792, the explorations by Lewis and Clark in 1803–1806, the occupation of Astoria in 1811. The British had discoveries by Cook in 1778, Vancouver in 1792, and many others more than the Americans, explorations by Mackenzie in 1793, occupations below 54° from 1806 on. When the presidential campaign of 1844 was fought the treaty of joint occupancy was still in force, the Americans had no settlement north of the Columbia River, while the British had many. In all fairness it must be admitted that the British had a clear advantage north of the Columbia River, and even some claims south of the river under the treaty in force. That is why the treaty of 1846 was a diplomatic triumph. Viewed historically, the cry of "Fifty-four-forty or fight!" must be acknowledged a piece of pure Yankee bluster.

ODD BITS OF EARLY HISTORY.

Mr. Chairman, it would be a great pleasure to run over the early history of settlement in the Northwest. Every American who lived in that country from 1803 down to the making of the new treaty was named by the Indians "Boston man," and every Britisher was called a "King George man." I would like to recite how our Puget Sound Indians were given Chinook jargon, and how their children received their names. It might surprise you to learn that "Jeff Davis" and "Abe Lincoln" are still living out there, side by side. I received a petition not long ago signed by both of them. A character made famous by that delightful descriptive writer, Theodore Winthrop, and recently revived, republished, and illustrated by our new historical writer, John H. Williams, also of Tacoma, was the "Duke of York," who died not so long ago. Williams's edition of Winthrop's "Canoe and Saddle," "Meany's History," and "Snowden's History" must be read by all who would know the history of Washington, while, if one would go into the storied history of the whole Oregon country, the works of Mrs. Dye will be found both entertaining and valuable. The bibliography of that new country is quite extensive, and not a line of it is monotonous.

No, Mr. Chairman; the Oregon country was not purchased by the United States. Jefferson himself once thought a new nation would be made out there beyond the mountains. If there is any shadowy thought of purchase, it must have been when an old Indian chief on April 22, 1789, insisted on trading with Capt. Gray, the "skookum Boston-man," $8,000 worth of otter furs for an old iron chisel. The Indian did not want to cheat the Yankee, and may have thrown Washington, Oregon, and Idaho in with the furs. At any rate, Capt. Gray ran up the Stars and Stripes, which was 14 years before Jefferson sent Madison to Paris to negotiate with Napoleon for the purchase of an island in the mouth of the Mississippi, and which resulted in the purchase of the Louisiana Territory.

Jefferson did not obtain the States of Washington, Oregon, and Idaho in the $15,000,000 buy that Madison made. The treaty was so shadowy and ambiguous that without Capt. Gray's claim of discovery the United States would never have thought of putting forth the contention that the purchased territory went beyond the Rocky Mountains.

Lewis and Clark, when they crossed the Rocky Mountains, entered into a country where our flag was already flying and a country which had already been claimed by right of discovery, exploration, and settlement, which the British finally agreed to when they gave up their Hudson Bay Co.'s trading posts at Vancouver, Nisqually, Cowlitz Prairie, and other points in the district which I have the honor to represent.

Mr. Chairman, nothing would please me more than to see in Statuary Hall, as the gift of the State of Washington, a statue of that daring explorer, historian, and trader, Capt. Robert Gray, who made possible the retention by the United States of all that wonderful country out there in the Northwest—the most wonderful, the most picturesque, the most resourceful, and the most charming of all the vast domain of the United States of America.

Mr. THOMSON of Illinois. Mr. Chairman, I assume that my friend from Washington does not mean to infer, from the fact that Mr. Donaldson's predictions as to the future have not proven entirely accurate, that his statements as to the history of the past were not accurate. I have no doubt that Mr. Donaldson, who compiled this volume of data, and others of his day had certain ideas about the future of the public lands, how long they would last, and so on, which, as time has come and gone, have proven not to be accurate. But I was not using this authority to substantiate any predictions he might have made at that time as to the then future, but merely on the question of past history, involving the title of the United States to the so-called Oregon Territory, and I am glad to know that even my friend from Washington does not dispute that part of this authority. My statement in the general debate on this bill was simply to the effect that that part of the country, together with all the rest of the country west of the Mississippi, came to the United States through purchase. That statement was questioned, and it was alleged that it came to us, so far as the Oregon Territory was concerned, by right of discovery. I think I have shown by this authority that the territory now covered by the States of Washington and Oregon was a part of the Louisiana Purchase. True, Great Britain made some claim to the then Oregon Territory after that purchase, and in the treaty of 1846 the title to that region was confirmed in the United States; but that treaty was consummated as the result of the contention and claim of the United States that it had title to that land by virtue of the Louisiana Purchase.

Mr. MONDELL. Will the gentleman yield?

Mr. THOMSON of Illinois. Yes.

Mr. MONDELL. Has the gentleman seen an official United States Land Office map recently?

Mr. THOMSON of Illinois. Yes.

Mr. MONDELL. Showing the classifications?

Mr. THOMSON of Illinois. Yes; and that map is not contrary to my contention. That map shows that the uncertain-

ties about the title to the Oregon Territory were finally settled by the treaty of 1846, but that treaty does not indicate that the title originated through it. The title to the Oregon Territory was confirmed in the United States by that treaty. The treaty confirmed the claim of the United States that it had title to that land by virtue of the Louisiana Purchase, and I challenge anybody to find any statement by any authority on history to the contrary. I have found statements by authorities, among them Donaldson, who confirm that proposition.

Mr. FERRIS. Mr. Chairman, let us have a vote.

The CHAIRMAN. The question is on the amendment of the gentleman from Wyoming [Mr. MONDELL].

The amendment was rejected.

Mr. MONDELL. Mr. Chairman, I offer the following amendment in lieu of section 3.

The CHAIRMAN. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out all of section 3 and insert the following:

"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 exclusive right to prospect and explore for coal on the vacant public lands and on the forest reserves of the United States and on lands located, selected, entered, purchased, or patented with a reservation to the United States of the coal contained therein, 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 two years. All licensees shall pay yearly in advance a fee or rental of 10 cents per acre for the first year covered by their license and 25 cents per acre for the second 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: For the first 10 years of the lease, 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.

"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 on the lands herein described, 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."

Mr. MONDELL. Mr. Chairman, the amendment which I have offered proposes a leasing system quite different from that provided in the section and, in my opinion, a leasing system which will work very much better, and which in the long run will be very much more in the public interest. The section we have just been considering assumes that there shall be a great force organized in the Interior Department, whose duty it shall be to go out on the public domain and prospect and divide up all of these vast areas, extending miles and miles, in some places 100 miles without a break, and divide them up into leasing blocks, guessing how much some one may want to lease, guessing how much coal there may be under the land, and guessing what the royalty ought to be. After this has been done, and this long, expensive process has gone on for a time, applications may be made to lease, not the area which an intelligent lessee or operator may think he could advantageously work, but such a tract as one of these Federal agents may have blocked out. Bids are to be had. There is to be a minimum fixed by the Secretary, above the sum named as the minimum in the bill, provided the Secretary sees fit to do so. Unlike the Alaskan bill on that particular point, the bill evidently does not contemplate that the bidders shall bid a higher royalty than that fixed by the Secretary, for if you will turn to section 7 you will find that the royalty which is to be named in the lease is to be the royalty fixed by the Secretary; so that it is not contemplated, as I supposed it was in the Alaskan bill, that the bidders shall bid against each other on the basis of royalty. That being the case, I assume that it is intended—and in fact I can not understand how anything else can be intended—that bidders shall offer a bonus for the privilege of leasing. I understand that is what is done in Oklahoma, where this plan has been used somewhat and where it originated and whence it came into this bill.

The system of laying a heavy burden on the Federal Government to search out and develop coal areas, which the individual ought to do, this proposition of calling for bids for bonuses—all these things, in my opinion, would make the law unworkable, or at least unsatisfactory, and I doubt if many leases would be secured under it; and if they were, it seems to me that they would necessarily go only to people having large sums of ready cash. They will entirely exclude that class of people that we have hoped to give opportunity to through the leasing privilege—the man who has not a great sum to tie up in a land investment.

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

Mr. MONDELL. Mr. Chairman, I ask for five minutes more.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of five minutes all debate on this section and amendments thereto be closed.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that at the end of five minutes all debate on the section and amendments thereto be closed. Is there objection?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

Mr. MONDELL. Mr. Chairman, one of the arguments for leasing legislation, one of the advantages of leasing legislation, is that it does not require so large an investment as does the purchase of land at a high price. Since our lands have been classified at very high prices, it has become practically impossible for anyone except wealthy corporations to open new mines on the public domain, and few or none have been opened since the classification, as far as I know.

Now, if that opportunity and benefit which it was expected leasing would give to a man of somewhat limited means are to be taken from him through the medium of bonuses, the leasing system has no advantage in that respect over the system of sale.

My amendment proposes to provide for a prospecting lease, extending not over two years, during which period the lessee pays for the exclusive privilege of prospecting, for the privilege of retaining the land from entry and lease. At the end of that time he has a right to lease on a royalty fixed by the Secretary of the Interior within certain limits of maximum and minimum royalties, a maximum and minimum for the first 10 years, a somewhat higher one for two succeeding 10-year periods, and then a provision for preference right for 20 years on such terms as Congress may provide. That is the leasing system as it is in operation in New Zealand and other parts of the world, as I understand it. It is simple, and it makes it clear what the applicant may expect.

We must leave some discretion with the Secretary of the Interior, but I do not think we ought to leave him the wide discretion that is left by this bill. There is no maximum; he can put the royalty so high that no one can afford to bid. The minimum is too low, lower than in other bills that have been introduced, lower than in the amendment I have offered. There is an opportunity for favoritism. I do not say that there will be favoritism, but there is a possibility of it. Then you have this system of bidding, under which the lease goes to the man with the largest amount of ready money, and we are getting right back to the conditions that we were trying to get away from, to the condition where the longest pole gets the persimmon and the biggest bank roll gets the lease. The man that is an operator and knows how to mine coal, but has not a large amount of money to put up as a bonus, has no chance against the rich capitalist.

I do not think it is a good system. It will not work, in my opinion. There must be, in the first place, a permit for a prospecting period, and after that is over you must give to the Secretary of the Interior some discretion as to the amount of the royalty. Both sections do that—my amendment and in the bill as it now stands. The difference is that there is no bidding for bonuses in my amendment, and there is a chance for all comers, under the conditions specified, to secure an opportunity to obtain a lease. I think when this bill becomes a law it will become a law under some such plan as that, and I offer this amendment, realizing that the committee will not now adopt it, but confident that it contains the general plan on which these lands will be eventually leased.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Wyoming.

The question was taken; and on a division (demanded by Mr. DONOVAN) there were—ayes 2, noes 12.

So the amendment was rejected.

Mr. MADDEN. Mr. Chairman, it seems to me that 14 Members are not enough——

The CHAIRMAN. Debate is not in order.

Mr. MADDEN. I make the point of order that no quorum is present. Only 14 Members voted on this amendment.

The CHAIRMAN. The gentleman from Illinois makes the point of no quorum, and the Chair will count. [After counting.] Fifty-four Members present, not a quorum, and the Clerk will call the roll.

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

Anderson	Finley	Kitchin	Pou
Austin	Gard	Knowland, J. R.	Powers
Bartholdt	Gardner	Korbly	Prouty
Bartlett	George	Kreider	Rauch
Bathrick	Gill	Lafferty	Rucker
Booher	Gillett	Lee, Ga.	Sabath
Brown, N. Y.	Gittins	L'Engle	Scully
Browne, Wis.	Godwin, N. C.	Lever	Sells
Browning	Goeke	Lewis, Pa.	Slemp
Brumbaugh	Goldfogle	Lindquist	Smith, Md.
Burke, Pa.	Graham, Pa.	Loft	Smith, Saml. W.
Calder	Griest	McClellan	Smith, N. Y.
Campbell	Guernsey	McGillicuddy	Sparkman
Candler, Miss.	Hamill	McGuire, Okla.	Stanley
Cantor	Hamilton, N. Y.	McLaughlin	Steenerson
Cantrill	Harris	Mahan	Stout
Carlin	Hay	Maher	Stringer
Carter	Hayden	Manahan	Sutherland
Cary	Helgesen	Martin	Talbott, Md.
Collier	Hensley	Merritt	Tavenner
Connelly, Kans.	Hinds	Miller	Thacher
Connolly, Iowa	Hobson	Morin	Treadway
Conry	Howard	Moss, W. Va.	Vollmer
Covington	Hoxworth	Murdock	Walker
Crisp	Hulings	Neely, W. Va.	Wallin
Danforth	Humphreys, Miss.	Nelson	Walsh
Driscoll	Johnson, S. C.	O'Shaunessy	Watkins
Drukker	Jones	Palmer	Webb
Dunn	Kelley, Mich.	Parker	Whitacre
Edmonds	Kent	Patten, N. Y.	White
Elder	Key, Ohio	Payne	Wilson, N. Y.
Fairchild	Kiess, Pa.	Peters	Winslow
Faison	Kindel	Peterson	Woodruff
Fergusson	Kinkead, N. J.	Porter	Woods

The committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16136) to authorize exploration for and disposition of coal, phosphate, oil, gas, potassium, or sodium, and, finding itself without a quorum, he had directed the roll to be called; that 296 Members had answered to their names—a quorum; and he handed in a list of the absentees.

The committee resumed its sitting.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 4. That any person, association, or corporation holding a lease of coal lands or coal deposits under this act may, with the approval of the Secretary of the Interior, upon a finding by him that it will be for the advantage of the lessee and the United States, secure a modification of his or its original lease by including additional coal lands or coal deposits contiguous to those embraced in such lease, but in no event shall the total area embraced in such modified lease exceed in the aggregate 2,560 acres.

That upon satisfactory showing by any lessee to the Secretary of the Interior that all of the workable deposits of coal within a tract covered by his or its lease will be exhausted, worked out, or removed within three years thereafter, the Secretary of the Interior may, within his discretion, lease to such lessee an additional tract of land or coal deposits, which, including the coal area remaining in the original lease, shall not exceed 2,560 acres, through the same procedure and under the same conditions as in case of an original lease.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word. A moment ago a kind friend on the other side asked for a division on an amendment which I had offered. Whether it was for the purpose of indicating how few there were here or how few voted for my amendment, I do not know. I assume it was for the purpose of disclosing the fact that there were not a great many who voted for the amendment. The gentleman who did that must have a curious idea of the motives that prompt one here in connection with their legislative duties. It is not material to me whether anyone votes for an amendment which I offer or not. If I think the amendment should be adopted, I shall offer it, and I shall defend it, and I shall not be disturbed because a great number of people do not vote for it, nor do I intend to be disturbed or disuaded by reason of the fact that an amendment I may offer is not adopted, because I realize that most of the amendments which I have offered and most of the changes I have suggested will eventually be a part of the bill when it becomes a law. Therefore I am entirely content. I realize that quite a number of western Members are so disgusted and out of sympathy with the provisions of the bill and so satisfied of the impossibility of amending it in any important respect that they pay little attention to the discussion and do not vote on amendments. I feel it my duty to discuss the bill and point out its defects as I see them, even though no very important amendment I offer is adopted. I am quite content to do my duty and leave the outcome with Providence—and the Senate.

But I rose, Mr. Chairman, for the purpose of calling the attention of the gentleman from Oklahoma [Mr. FERRIS] to some language in the bill. On line 19, page 4, the expression "coal area" is used. I assume it is intended to designate the coal area unworked or the coal area that has not been worked out. I do not intend to offer an amendment, although I think the language is not entirely clear and there might be some question as to what was meant. The intent of the committee is plain enough to me, but I do not believe the language used fully indicates the intent of the committee.

Mr. FERRIS. Mr. Chairman, I think the gentleman is right about that. Does the gentleman not think that the word "unmined" inserted before that phrase would remedy it?

Mr. MONDELL. I think that would be the word to use—"including the unmined coal area," and so forth.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Yes.

Mr. RAKER. If there is a tract of 640 acres and all of it is mined except 100 acres and it was coal, that would be the coal area. It is just the use of words.

Mr. MONDELL. I am not insisting on it, although I do not think the words "coal area" are ordinarily interpreted to mean coal land that has not been worked out. If it is interpreted to mean that, well and good.

Mr. RAKER. Well, I am satisfied the department, after the gentleman's statement and mine that it does mean that, would have no trouble in its interpretation.

Mr. MONDELL. Now, let me call attention to another matter. The last two lines are to this effect: "Through the same procedure and under the same conditions as in case of an original lease." That refers to the additional area leased. I think the gentleman from Oklahoma will realize that it would hardly be possible to lease this additional area under exactly the same conditions that the original area was leased. It seems to me that before we get through with the bill it might be well to consider some modification of that language. I doubt if you could work out the intent of the committee under the language which you have used.

Mr. GRAHAM of Illinois. Would the gentleman substitute "similar" for the same?

Mr. MONDELL. Well, yes; or approximately similar. I have not thought enough about it to suggest the language, but it seems to me it would be necessary. The gentleman realizes you could not use exactly the same procedure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. FERRIS. Mr. Chairman, I ask unanimous consent to close debate at the end of five minutes, the five minutes to be yielded to the gentleman from Wisconsin.

The CHAIRMAN. This is an amendment to strike out the last word. The gentleman from Wisconsin is recognized.

Mr. STAFFORD. Mr. Chairman, I rise to inquire of the Chairman whether the committee has given consideration as to the three-year period when coal might be exhausted. It struck me on reading the bill that where the coal mining company finds it is coming to a shortness of supply which will be exhausted in three years, that in order to retain their customers it ought to have a longer period to get an additional quantity of land than three years. In private business—for instance, in leasing quarters—business concerns look around for new quarters much in advance of three years in order to be prepared in case of emergency. It is more needful in the case of a coal mining company which has a large number of customers, where it would be necessary for them to have a certain supply of coal with which to supply them.

Mr. FERRIS. Will the gentleman yield at that point?

Mr. STAFFORD. I will.

Mr. FERRIS. As the bill was originally drafted, pursuant to a conference between Senators, House Members, and the Interior Department, I think we had the time fixed at one year, and the Bureau of Mines made this very suggestion or amendment. I have a letter here in which they say they think this is sufficient, and that this is as it should be. If the gentleman cares for me to do so, I can present it.

Mr. STAFFORD. The gentleman realizes it is purely a business proposition. Here is a coal-mining company engaged in mining coal on a limited tract. The coal is about to be exhausted. They see it will be exhausted in three years or say that the coal in the land will be exhausted in five years, they ought to be put in condition in advance to get additional land so as to be certain to keep their trade and supply their customers with coal. I merely make this suggestion for the gen-

tleman's consideration that the limit of three years is too limited a period for any business concern.

There is another inquiry I would like to make, and that is as to the first paragraph. There the gentleman permits a modification of the lease by granting to the Secretary of the Interior the right to include additional lands wherever he sees it is to the advantage of the Government and the lessee. There is no provision in this section as to terms on which that modified lease is granted. Perhaps the provision in section 7 might extend; but so far as the paragraph itself is concerned it does not state upon what terms a new lease or a modified lease should be made.

Mr. FERRIS. Does the gentleman yield?

Mr. STAFFORD. I do.

Mr. FERRIS. I call the gentleman's attention to the fact that later in the act there is a general section which authorizes the Secretary of the Interior to incorporate in the lease any regulation or provision that seems to him necessary to vitalize the different sections of the bill.

Mr. STAFFORD. I have read section 8, which the gentleman refers to, but I do not think that it gave authority to cover this exact instance.

Mr. FERRIS. There is another section later on, under a general provision.

Mr. LENROOT. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Wisconsin yield to his colleague?

Mr. STAFFORD. I do.

Mr. LENROOT. I suggest to the gentleman that the only modification authorized goes to the area, and the lease would apply to the enlarged area.

Mr. STAFFORD. Of course that is implied; and that is, supposing that the original lease continues. It is for additional land, and it would be a modification of the lease, and that is upon the assumption that the same terms, even though there might be a higher quality of coal, would apply. I think it would be better to leave it to the judgment of the Secretary of the Interior as to the terms and conditions.

Mr. FERRIS. If the gentleman will yield, I wish to say that additional areas can only be taken with the consent of the Secretary of the Interior, so that the Secretary has the right to prevent them from taking any additional area if he so desires.

Mr. STAFFORD. But suppose it is to the advantage of the Government and of the lessee to take additional land. Assume this additional land has a better quality of coal. Under those circumstances why should not the Secretary be allowed to exact a higher rate of payment? I say it should rest in the discretion of the Secretary to fix the terms.

Mr. FERRIS. Why, it is in the discretion of the Secretary to determine whether or not he would have any additional territory at all.

Mr. STAFFORD. You do not make any provision at all as to the terms on which this additional land should be leased.

Mr. FERRIS. The regulations would determine that.

Mr. STAFFORD. Oh, the gentleman falls back on his omnibus clause of regulation. I do not think it applies.

Mr. FERRIS. I will read to the gentleman what the Bureau of Mines says about it. The Director of the Bureau of Mines has the following to say on the subject mentioned by the gentleman:

> It is impossible for fraud to be perpetrated upon the United States under this section for the reason that a modification of the original lease can only be secured with the approval of the Secretary, and after a positive finding that it will be for the actual advantage of the lessor and lessee to include additional lands. The maximum area in the modified lease is fixed at 2,560 acres, which is only the amount which might originally have been had. The provision, instead of promoting fraud, is really in the interests of the United States, since it will make possible the mining of small blocks of coal land which could only be mined in conjunction with already developed properties because of the small tonnage and the expense involved in extraction in any other manner.

Mr. STAFFORD. Mr. Chairman, will the gentleman yield there?

Mr. FERRIS. Yes.

Mr. STAFFORD. I am not questioning that phase of it, that there would be fraud in extending the contracts, but I want to find out upon what terms the additional tracts could be let.

Mr. FERRIS. The Secretary can refuse to let him have them on any terms at all.

Mr. STAFFORD. My colleague says it would be let on the original terms, and you say it would be let on any terms the Secretary might see fit.

Mr. FERRIS. Allow me to conclude. What the gentleman says refers to the other section.

Mr. STAFFORD. The second paragraph provides for another case upon new terms entirely.

Mr. FERRIS. Let me read. The Director of the Bureau of Mines says further:

> Without such provision the Government would be absolutely unable to secure the mining of detached pieces of coal lands, as the existence of one lease would be a bar to any further lease. In the opinion of the bureau, this is one of the most valuable provisions in this bill and should be retained by all means.

They even draw a plat here which shows how necessary it is to have this provision in the bill.

Mr. STAFFORD. There is no question but that it should be on such terms as the Secretary shall determine.

Mr. FERRIS. The general provision takes care of that.

Mr. STAFFORD. That is where we differ.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

> SEC. 5. That if, in the judgment of the Secretary of the Interior, the public interest will be subserved thereby, lessees holding under lease blocks or areas not exceeding the maximum permitted under this act may consolidate their leases or holdings through the surrender of the original leases or holdings and the inclusion of such areas in a new lease of not to exceed 2,560 acres of continguous lands.

Mr. MONDELL. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wyoming moves to strike out the last word.

Mr. MONDELL. Mr. Chairman, I am in sympathy with the view taken by the gentleman from Wisconsin [Mr. STAFFORD] with regard to section 4, and the same criticism applies to section 5. I have not offered any amendments and do not propose to offer any amendments to these sections, because I have felt confident that elsewhere these sections would be very greatly modified.

The gentleman from Oklahoma [Mr. FERRIS] quoted the Chief of the Bureau of Mines a few moments ago to this effect, that nothing would ever occur under this section detrimental to the public interest, because the whole matter is under the Secretary of the Interior. Why, I want to remind my good friend from Oklahoma that all the land frauds that we have ever had, all the land frauds that have ever occurred, all the unfortunate acquisitions of lands in enormous areas have been entirely under the supervision of Secretaries of the Interior. When the gentleman has no better defense for a thing than the fact that the Secretary may prevent fraud and scandal, why, it is not much of a defense.

The section preceding these two sections outlines a rule under which I think fraud would be very largely prevented, although there might be much favoritism; and under these two sections all sorts and kinds of things might be done. I assume we will never have a Secretary of the Interior who will intentionally allow people to acquire leases contrary to the public interest; but Secretaries are not omnipotent nor omnipresent. They are served by a multitude of agents and agencies. They must depend on others, and I think the committee have made a mistake in both of these sections in not placing a sufficient limitation on the discretion of the Secretary. I am inclined to think that the Secretary, under the section which we are now considering, could lease very valuable coal lands at the minimum royalty of 2 cents a ton. I have no doubt that he could.

Mr. RAKER. What would the gentleman suggest, so as to put in the bill ironclad language that would prevent the Secretary or anybody else doing anything of that kind?

Mr. MONDELL. I would lay down sufficiently definite limitations to his authority. I think it is better to write the provisions into the law. But answering the gentleman's inquiry as to what I would do with regard to these two sections, if I had the power to do so I would strike them from the bill, because they are entirely unnecessary at this time. They relate to matters that are not likely to occur for years to come. There are going to be Congresses here after this Congress, and those Congresses are going to be quite as wise as we are, I think. They can legislate in regard to these matters. We do very well if we provide for the original leases. It is not necessary for us to provide for what may need to be done after leases are worked out, and after lessees have gotten together, and gentlemen conclude they want to consolidate them. Those are all matters for the future. I would be perfectly content to leave those questions for future Congresses to pass upon.

Mr. RAKER. The gentleman wants to provide a bill that is workable. Say a man has only 640 acres of coal lands at the present time. Ought we not to provide in the bill that after he works out that claim he may have additional territory?

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

Mr. LENROOT. Mr. Chairman, with reference to the construction of these two sections, I feel I ought to say that I do not agree with the construction given by the gentleman from

Oklahoma [Mr. FERRIS]. I do not believe that under the power given to the Secretary in section 4, to make rules and regulations, he is authorized to change the terms of an existing lease. This section provides for only one modification of the lease. And what is that modification? It is an inclusion of a larger area than is contained in the original lease, and therefore all the terms of the original lease, both as to royalty and otherwise, in my opinion, will apply to the modified lease, and the Secretary of the Interior will not have the right to change the terms and conditions, either as to royalty or otherwise, of that modified lease, and I do not think he ought to have the right. I think the language is well guarded in the provision as it stands.

Mr. STAFFORD. Will my colleague yield there?

Mr. LENROOT. Yes.

Mr. STAFFORD. Supposing that on the additional tract to which the lease is extended the coal is either of a higher or of a lower grade. Does not my colleague believe that the terms should be different than those contained in the original lease?

Mr. LENROOT. I assume that if it is of higher grade, the Secretary of the Interior would not permit the inclusion of it. If it was desirable that those two be worked together, the original lessee could surrender his original lease and take out a new one under the general procedure of the bill.

Mr. STAFFORD. But it might not be feasible for him to surrender the original lease. He might wish to continue the working of one and begin the working of the other, so as to develop the larger tract. That is the very purpose of the provision. I can conceive of cases where different terms ought to apply.

Mr. LENROOT. Does the gentleman think the Secretary of the Interior should have the right to make new terms and conditions, possibly including a less royalty than the original lease, which had been awarded upon a competition, because of the inclusion of the additional area?

Mr. STAFFORD. I do, but it would be limited to the restricted tract.

Mr. LENROOT. Yes; but under that situation there might be a royalty bid of 45 cents per ton. If the gentleman's idea prevailed, the Secretary of the Interior would have a right to make a new lease of the large area at 10 cents a ton.

Mr. STAFFORD. No; it would only pertain to the restricted area.

Mr. LENROOT. No; it is a modified lease as to the extent of all the area.

Mr. STAFFORD. The new area, and only that.

Mr. LENROOT. We now permit conditions which I say ought not to prevail unless the situation is such that the same terms and conditions will imply an enlarged area, and the Secretary of the Interior ought not to permit this inclusion at all, and I do not believe he would do so.

In section 5 a different situation prevails. It is true that that permits a consolidation of a new lease to be granted by the Secretary of the Interior, but nothing is said as to the terms and conditions. I know that in committee it was carefully considered, and we had a practical difficulty in framing any language that would properly cover it and save the equities of the original lessee, and so it was left in that way, the committee feeling that it was a matter that must be left to the discretion of the Secretary of the Interior.

Mr. RAKER. Mr. Chairman, I move to strike out the last three words. It seems to me that the question presented is covered in the last two lines of the section, lines 21 and 22, "through the same procedure and under the same conditions as in case of an original lease." That does not mean as the original lease was provided for, under the same conditions as in the case of an original lease.

Mr. LENROOT. That applies only to the second paragraph.

Mr. RAKER. I want to call the committee's attention to the fact that that would apply to the new lease on the same conditions. My recollection is that it was the idea of the gentleman from Wisconsin and other members of the committee that if additional territory were desired the same procedure should be followed as in the application for the original lease. In other words, the Secretary of the Interior should fix the terms and conditions, and the party should abide by it the same as if he had no lease at all. Otherwise it would be treating other miners in the community unfairly.

The Clerk proceeded with the reading of the bill, as follows:

SEC. 6. That where coal lands aggregating 2,560 acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion, the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease sections or parts of sections which corner upon one another.

Mr. MONDELL. Mr. Chairman, I move to strike out, on page 5, at the beginning of line 6, after the word "lands," all down to and including the word "and," in line 7. The language I move to strike out is "aggregating 2,560 acres."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 5, line 6, by striking out all after the word "lands," down to and including the word "and," in line 7.

Mr. MONDELL. Mr. Chairman, the words stricken out are the words "aggregating 2,560 acres." The section provides:

That where coal lands aggregating 2,560 acres and subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion, the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease sections or parts of sections which corner upon one another.

It is highly important that the leasing of noncontiguous lands be allowed not only where there is a less area than makes a maximum leasing area, but where there are any noncontiguous coal lands that a lessee may desire. For instance, in the Union Pacific land-grant region in my State, the Union Pacific now holds alternate sections, having retained the coal land.

There might be a vast area of lands lying in the region which would be subject to leasing. There is no reason why this right to lease lands cornering on each other should be confined to conditions where the maximum area could not be acquired except by doing so.

Mr. LENROOT. Will the gentleman yield?

Mr. MONDELL. Yes.

Mr. LENROOT. If the gentleman strikes out the language proposed, it makes it impossible to do what he desires to do, because with the language stricken out if there are any lands that are contiguous the corner leasing would not apply, while under the language there must be contiguous land to the extent of 2,560 acres.

Mr. MONDELL. The gentleman does not interpret the language as I do. If the language is stricken out, it will read:

That where coal lands subject to lease hereunder do not exist as contiguous areas, the Secretary of the Interior is authorized, if, in his opinion, the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease sections or parts of sections which corner upon one another.

The applicant might ask for 40, the cornering section to another 40 cornering it, and, where the Government does not own the contiguous land, that would be a case of where there were not contiguous lands at the point where he made his application.

Mr. LENROOT. Suppose the Govrenment did own one 40-acre tract that is contiguous, with this language stricken out, then the gentleman could not lease anything in the cornering sections.

Mr. MONDELL. Oh, yes; a man could lease the lands that were contiguous, and the balance of his lease might be of noncontiguous lands.

Mr. LENROOT. But he would be compelled first to lease all of the contiguous lands.

Mr. MONDELL. I do not think the gentleman correctly interprets the language of the section as I propose to amend it. It is highly important that the Secretary be given the right to lease noncontiguous tracts, particularly in those localities where lands are within land-grant limits; and here it can not possibly be done if there is anywhere in the region a contiguous maximum tract.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. MONDELL. Certainly.

Mr. RAKER. Is it not a fact that this is the only provision in all of the land laws up to date where a man may file on land that is not contiguous, and this is done for the purpose of utilizing all of the coal land in one body, to the end of getting cheaper coal and getting better results?

Mr. MONDELL. It is not the first time that it has been suggested. The same provision is contained in half a dozen bills that have been introduced.

Mr. RAKER. I mean the first one that has been reported.

Mr. MONDELL. I do not happen to recall any measure that has been reported. What the committee intended was that, where the Government has no contiguous lands, and an applicant or lessee desired lands that are noncontiguous, they may lease noncontiguous lands. I think that is what the committee intended.

Mr. RAKER. For instance, there are two railroad sections cornering and on the opposite sides two sections belonging to the Government. The intention of the committee was that you could cross the corner and——

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

Mr. FERRIS. Mr. Chairman, I ask unanimous consent that at the expiration of one minute debate on the pending section and all amendments thereto shall close.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. NORTON. Mr. Chairman, it occurs to me that the purpose of the gentleman from Wyoming [Mr. MONDELL] would be more clearly reached if, in line 6, on page 5, there were also stricken out the words "that where coal lands," and in line 7 the words "and subject to lease," and in line 8 the words "hereunder do not exist as contiguous areas," leaving the section then as amended to read:

The Secretary of the Interior is authorized, if in his opinion the interests of the public and of the lessee will be thereby subserved, to embrace in a single lease sections or parts of sections which corner upon one another.

In the interpretation of the law there would be considerable doubt if any of the first part of the section is allowed to remain as to whether, in case there was in any coal area any coal lands whatever subject to lease existing as contiguous areas, sections, or parts of sections cornering upon one another could then be embraced in the same lease.

The CHAIRMAN. The time of the gentleman from North Dakota has expired. The question is on the amendment offered by the gentleman from Wyoming.

The amendment was rejected.

The Clerk read as follows:

SEC. 7. That for the privilege of mining or extracting the coal in the lands covered by his lease the lessee shall pay to the United States such royalties as may be specified in the lease, which shall be fixed in advance of offering the same, and which shall be not less than 2 cents per ton of 2,000 pounds, due and payable at the end of each month succeeding that of the extraction of the coal from the mine, and an annual rental, payable at the date of such lease and annually thereafter, on the lands or coal deposits covered by such lease, at such rate as may be fixed by the Secretary of the Interior prior to offering the same, which shall not be less than 25 cents per acre for the first year thereafter, 50 cents per acre for the second, third, fourth, and fifth years, respectively, and $1 per acre for each and every year thereafter during the continuance of the lease, except that such rental for any year shall be credited against the royalties as they accrue for that year. Leases shall be for indeterminate periods upon condition of continued operation of the mine or mines, except when such operation shall be interrupted by strikes, the elements, or casualties not attributable to the lessee, and upon the further condition that at the end of each 20-year period succeeding the date of the lease such readjustment of terms and conditions may be made as the Secretary of the Interior may determine, unless otherwise provided by law at the time of the expiration of such periods: *Provided*, That the Secretary of the Interior may, if in his judgment the public interest will be subserved thereby, in lieu of the provision herein contained requiring continuous operation of the mine or mines, provide in the lease for the payment of an annual advance royalty upon a minimum number of tons of coal, which in no case shall aggregate less than the amount of rentals herein provided for.

Mr. FERRIS. Mr. Chairman, I move that the committee do now rise.

Mr. STAFFORD. Before that motion is put, I understood that section 7 is still subject to amendment?

Mr. FERRIS. Oh, certainly.

The CHAIRMAN. The question is on the motion of the gentleman from Oklahoma that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. FITZGERALD, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 16136, and had come to no resolution thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SELLS, indefinitely, on account of sickness.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 754. An act for the relief of Jacob M. Cooper;

S. 725. An act to correct the military record of Aaron S. Winner;

S. 1063. An act for the relief of Philip Cook; and

S. 2472. An act for the relief of Herman von Werthern.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. ASHBROOK, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill and joint resolution:

H. J. Res. 311. Joint resolution instructing American delegate to the International Institute of Agriculture to present to the permanent committee for action at the general assembly in 1915 certain resolutions; and

H. R. 15613. An act to create a Federal trade commission, to define its powers and duties, and for other purposes.

ADJOURNMENT.

Mr. FERRIS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 7 minutes p. m.) the House adjourned until to-morrow, Wednesday, September 16, 1914, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

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

By Mr. MORGAN of Louisiana: A bill (H. R. 18807) to provide for the erection of a national leprosarium; to the Committee on Appropriations.

By Mr. GREENE of Massachusetts: Resolution (H. Res. 621) authorizing an investigation of the conditions existing in the textile industry in the city of Atlanta, Ga.; to the Committee on Rules.

By Mr. KAHN: Joint resolution (H. J. Res. 346) ceding to the State of California temporary jurisdiction over certain lands in the Presidio of San Francisco and Fort Mason (Cal.) Military Reservations; to the Committee on Military Affairs.

By Mr. GARRETT of Texas: Memorial of the Legislature of the State of Texas favoring the "Buy a bale" idea of relieving the cotton market; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CASEY: A bill (H. R. 18808) granting a pension to Emaline Catherine Lindner; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 18809) granting a pension to John P. Pierce; to the Committee on Pensions.

By Mr. GARD: A bill (H. R. 18810) granting a pension to George W. Krug, alias King; to the Committee on Pensions.

Also, a bill (H. R. 18811) granting an increase of pension to Philip Yoe; to the Committee on Invalid Pensions.

By Mr. HILL: A bill (H. R. 18812) granting an increase of pension to Henry Nausley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18813) granting an increase of pension to John A. Abbott; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 18814) granting a pension to Charles J. Mobley; to the Committee on Pensions.

By Mr. KEY of Ohio: A bill (H. R. 18815) granting an increase of pension to Isaac Johnson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 18816) granting an increase of pension to William H. Vance; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 18817) granting an increase of pension to Abraham Leedy; to the Committee on Invalid Pensions.

By Mr. PAIGE of Massachusetts: A bill (H. R. 18818) granting a pension to Joseph W. Abbott; to the Committee on Invalid Pensions.

By Mr. SMITH of New York: A bill (H. R. 18819) granting a pension to Albert Elsaesser; to the Committee on Pensions.

PETITIONS, ETC.

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

By Mr. CANDLER of Mississippi: Petition of 500 citizens of Iuka, Miss., favoring national prohibition; to the Committee on Rules.

By Mr. ESCH: Petition of George R. Longbrake, of La Crosse, Wis., favoring a bill to protect the United States flag; to the Committee on Military Affairs.

Also, petition of sundry citizens of Victory, Wis., favoring rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. FESS: Petition of sundry citizens of New Richmond, Ohio, favoring rivers and harbors bill; to the Committee on Rivers and Harbors.

By Mr. GARNER: Petition of the Cotton Growers' Association of Texas, relative to regulation of cotton exchanges; to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE of Iowa: Petition of 73 citizens of Fontanelle, Iowa, favoring the national constitutional prohibition amendment; to the Committee on Rules.

By Mr. HILL: Papers to accompany a bill for increase of pension to John A. Abbott; to the Committee on Pensions.

By Mr. LIEB: Petition of Danish-American Typographia No. 15, through Henry Schnuetgen, secretary, of Evansville, Ind., urging the passage of amendment of section 85 of House bill 15902; to the Committee on Printing.

Also, petition of H. Fendrich, cigar manufacturer, of Evansville, Ind., against any increase of revenue tax upon cigars; to the Committee on Ways and Means.

Also, petition of Charles Leich & Co., of Evansville, Ind., against any increase of revenue tax on spirits; to the Committee on Ways and Means.

By Mr. MAGUIRE of Nebraska: Petition of various business men of Murdock, Elmwood, Eagle, and Hickman, all in the State of Nebraska, favoring House bill 5308, to tax mail-order houses; to the Committee on Ways and Means.

By Mr. J. I. NOLAN: Resolutions of the Socialist Party of San Francisco, Cal., demanding that the United States maintain strict neutrality in the present European war, and suggesting a method of bringing about peace; to the Committee on Foreign Affairs.

By Mr. O'LEARY: Petition of Edward Flaherty, of Long Island City, N. Y., against tax on soda water; to the Committee on Ways and Means.

Also, petition of H. Planten & Son, of Brooklyn, N. Y., against tax on proprietary medicines; to the Committee on Ways and Means.

By Mr. PAIGE of Massachusetts: Papers to accompany House bill 18753, for relief of John K. Collins; to the Committee on Invalid Pensions.

By Mr. RAINEY: Petition of sundry citizens of Illinois, asking modification of Federal game laws; to the Committee on Agriculture.

Also, petition of various churches and citizens of the twentieth district of Illinois, favoring national prohibition; to the Committee on Rules.

By Mr. STAFFORD: Petition of the Wisconsin State Bottlers' Association, against additional tax on wine, beer, or "soft" drinks; to the Committee on Ways and Means.

By Mr. WILLIS: Papers to accompany House bill 18806, granting a pension to Emma E. Shellenbarger; to the Committee on Invalid Pensions.

SENATE.

WEDNESDAY, *September 16, 1914.*

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

The Chaplain, Rev. Forrest J. Prettyman, D. D., offered the following prayer:

Almighty God, lay Thy hand upon the storm-tossed world. Bring peace, order, and good will among all people. Especially do Thou look with Thy favor upon Thy servants in this Senate, that with that wisdom which cometh from above they may be enabled to discharge the duties of their sacred and important office. See that all the ministry of this Chamber may be found to be in accord with God's great program for us as a Nation. Give us a voice and an influence among the nations of the earth; and may the voice and the influence of this Nation be that of peace and good will among men. For Christ's sake. Amen.

NAMING A PRESIDING OFFICER.

The Secretary (James M. Baker) read the following communication:

PRESIDENT PRO TEMPORE UNITED STATES SENATE,
Washington, September 16, 1914.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. J. T. ROBINSON, a Senator from the State of Arkansas, to perform the duties of the Chair during my absence.

JAMES P. CLARKE,
President pro tempore.

Mr. ROBINSON thereupon took the chair as Presiding Officer, and said:

The Secretary will read the Journal of the proceedings of the last legislative day.

Mr. GALLINGER. Mr. President, I suggest the absence of a quorum.

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

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

Bryan	Kenyon	Overman	Smith, Ga.
Burton	Kern	Page	Smith, S. C.
Chamberlain	Lane	Perkins	Sterling
Culberson	Lea, Tenn.	Pittman	Thomas
Fletcher	Lewis	Ransdell	Thornton
Gallinger	Martin, Va.	Robinson	
Hughes	Myers	Sheppard	
Jones	Norris	Simmons	

Mr. PAGE. I wish to announce the unavoidable absence of my colleague [Mr. DILLINGHAM]. He is paired with the senior Senator from Maryland [Mr. SMITH]. I will allow this announcement to stand for the day.

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY], who is paired. This announcement may stand for the day.

The PRESIDING OFFICER. Twenty-nine Senators have answered. There is not a quorum present. The Secretary will call the roll of absentees.

The Secretary called the names of absent Senators, and Mr. BRADY, Mr. CAMDEN, Mr. THOMPSON, Mr. VARDAMAN, Mr. WEST, and Mr. WHITE answered to their names when called.

Mr. THORNTON. I desire to announce the necessary absence of the junior Senator from New York [Mr. O'GORMAN], and also that he is paired with the senior Senator from New Hampshire [Mr. GALLINGER]. I ask that this announcement stand for the day.

Mr. CHILTON entered the Chamber and answered to his name.

The PRESIDING OFFICER. Thirty-six Senators have answered. There is not a quorum present.

Mr. KERN. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms is directed to request the attendance of absent Senators.

After a little delay,

Mr. LEWIS. Mr. President, might I inquire if the Senator from Indiana made the usual motion respecting the instruction to the Sergeant at Arms to bring in absentees?

The PRESIDING OFFICER. The motion was made and passed, and the Sergeant at Arms is executing the order of the Senate.

Mr. HITCHCOCK, Mr. MCCUMBER, Mr. SMITH of Michigan, and Mr. STONE entered the Chamber and answered to their names.

After a little further delay Mr. SWANSON and Mr. MARTINE of New Jersey entered the Chamber and answered to their names.

Mr. KENYON. Mr. President, I should like to inquire the number of Senators who have answered to their names.

The PRESIDING OFFICER. The Chair is informed that 42 Senators have responded, not a quorum.

Mr. KENYON. As it seems impossible to get a quorum, I move that the Senate adjourn.

Mr. LEWIS. Of course, the Senator from Iowa means that humorously, and it will be so accepted.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa, that the Senate adjourn.

The motion was rejected.

Mr. SIMMONS. Mr. President, I wish to inquire if the Sergeant at Arms has been directed to take measures toward securing the presence of a quorum?

The PRESIDING OFFICER. The Sergeant at Arms has been directed to request the attendance of absent Senators.

Mr. JAMES, Mr. ASHURST, Mr. SHAFROTH, Mr. REED, and Mr. NELSON entered the Chamber and answered to their names.

Mr. REED. Mr. President, I think I ought to say the members of the Banking and Currency Committee have been in session, and that is the reason for the absence of most of the members of that committee, all of whom will be here in a few moments.

Mr. LEE of Maryland, Mr. CRAWFORD, and Mr. WEEKS entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty Senators have answered to their names. A quorum is present. The Secretary will read the Journal of the proceedings of the last legislative day.

The Secretary proceeded to read the Journal of the proceedings of the legislative day of Saturday, September 5, 1914, when, on request of Mr. CHAMBERLAIN and by unanimous consent, the further reading was dispensed with and the Journal was approved.

ENROLLED BILL SIGNED.

The PRESIDING OFFICER announced his signature to the enrolled bill (S. 5065) for the relief of Mirick Burgess, which had previously been signed by the Speaker of the House.

DISPOSITION OF USELESS PAPERS.

The PRESIDING OFFICER. The Chair lays before the Senate a communication from the Secretary of Labor, transmitting, pursuant to law, a statement of papers and material which are not needed nor useful in the transaction of the current business of the Department of Labor, and which have no permanent value or historical interest. The communication and accompanying paper will be referred to the Joint Committee on the Disposition of Useless Papers in the Executive Departments,